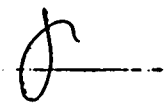


**EIGHTEENTH CONGRESS OF THE** )  
**REPUBLIC OF THE PHILIPPINES** )  
*Second Regular Session* )

'21 MAR -2 P4 :02

**SENATE**

**Senate Bill No. 2079**

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**Introduced by Senator Juan Miguel F. Zubiri**

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**AN ACT** <sup>dot</sup>  
**PROVIDING FOR A REVISED WILDLIFE RESOURCES CONSERVATION AND PROTECTION ACT, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Philippine wildlife species are natural treasures that deserve protection under the law in order to promote conservation and sustainable use and to ensure their continued existence for future generations.

The Philippines is one of only seventeen (17) "mega-diverse" countries in the world or those very rich in terms of "biodiversity" or the variety and variability among all living organisms and the ecological complex in which they occur. Philippine wildlife species are thus also globally important. Aside from well-known, iconic and charismatic wildlife species such as the Philippine Eagle (*Pitecophaga jeffereyi*), the Tamaraw (*Bubalus mindorensis*) and the Philippine tarsier (*Carlito syrichta*), the Philippines has about 133 terrestrial mammals, 230 birds, 244 reptiles and 97 amphibian species occurring nowhere else in the world. In addition, there are over 120 fishes that can be found only in Philippine inland and marine waters.

Philippine flora and fauna, as well as the ecosystems where they live, are the country's natural capital and provides a variety of services beneficial to the Filipino people. Aside from cultural and aesthetic values, they provide us with food, water, medicine, timber, fuel raw material for clothing, as well as numerous economic benefits. They help regulate water purification, soil erosion, flood control, climate and carbon storage and also pollination and decomposition. Indeed, the benefits provided by wildlife are essential to human life and well-being.

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

Filipinos of the monetary benefits from the development of products and technologies from these natural treasures.

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

After almost 20 years of implementation, the Wildlife Act is ripe for further strengthening and improvement based on the collective experience of government regulators, law enforcement agencies and volunteers, non-government organizations, scientists and researchers, conservationists, local government units, and the legitimate wildlife breeders, traders and hobbyists. Among others, the imposition of stronger and more specific penalties is needed to enhance the deterrent effect and to remove the legal loopholes exploited by illegal wildlife collectors and traders.

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

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

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




**JUAN MIGUEL F. ZUBIRI**

RECEIVED  
MAR 2 2021

'21 MAR -2 P 4 :02

**SENATE**  
**S.B. No. 2079**

RECEIVED  


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**Introduced by Sen. Juan Miguel F. Zubiri**

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**AN ACT  
PROVIDING FOR A REVISED WILDLIFE RESOURCES  
CONSERVATION AND PROTECTION ACT, APPROPRIATING FUNDS  
THEREFOR AND FOR OTHER PURPOSES**

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

**CHAPTER I  
GENERAL PROVISIONS**

1       **SECTION 1. *Short Title*** – This Act shall be known as the “*Revised Wildlife*  
2       *Resources Conservation and Protection Act of 2021*”.

3       **SEC. 2. *Statement 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 and to  
5       promote ecological balance, enhance biological diversity, and ensure the provision of  
6       ecosystem services. In the pursuit of this policy, this Act shall have the following  
7       objectives:

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

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

14          (c) to initiate or support scientific studies on the conservation of biological diversity  
15          and sustainable utilization of wildlife resources;

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

1 (e) to address and end the transnational organized crime of wildlife trade and  
2 trafficking.

3 **SEC. 3. *Scope of Application.*** – The provisions of this Act shall be enforceable  
4 for all wildlife species found in all areas of the country, including exotic species which are  
5 subject to trade, are cultured, maintained and/or bred in captivity or propagated in the  
6 country.

7 **SEC. 4. *Jurisdiction of the Department of Environment and Natural***  
8 ***Resources (DENR), the Department of Agriculture (DA) and the Palawan***  
9 ***Council for Sustainable Development (PCSD).*** – The DENR shall have jurisdiction  
10 over all terrestrial plant and animal species, all turtles and tortoises and wetland species,  
11 including but not limited to crocodiles, waterbirds and all amphibians and dugong. The  
12 DA shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources  
13 including but not limited to all fishes, aquatic plants, invertebrates and all marine  
14 mammals, except dugong. The Secretaries of the DENR and the DA shall review, and by  
15 joint administrative order, revise and regularly update the list of species under their  
16 respective jurisdiction. In the Province of Palawan, jurisdiction herein conferred is vested  
17 to the PCSD pursuant to Republic Act No. 7611, otherwise known as the "Strategic  
18 Environmental Plan (SEP) for Palawan Act".

19  
20 **CHAPTER II**  
21 **DEFINITION OF TERMS**  
22

23 **SEC. 5. *Definition of Terms.*** – As used in the Act, the term:

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

28 (b) "*Biological resources*" refers to genetic resources, organisms or parts thereof,  
29 populations or any other biotic component of ecosystems with actual or potential use or  
30 value for humanity, including but not limited to, all biological specimens such as plants,  
31 seeds, tissues and other propagation materials, animals, live or preserved, whether whole  
32 or in part;

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

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

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

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

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

8 (g) "*Captive-breeding/culture or propagation*" refers to the process of producing  
9 individuals under controlled conditions or with human interventions;

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

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

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

17 (k) "*Conservation*" refers to the preservation and sustainable utilization of wildlife,  
18 and/or maintenance, restoration and enhancement of the habitat;

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

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

27 (n) "*Economically important species*" refers to species which have actual or  
28 potential value in trade or utilization for commercial purpose as well as species which  
29 have actual or potential negative impact on the environment and economic activities such  
30 as, but not limited to, agriculture and food production;

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

34 (p) "*Endemic species*" refers to species or subspecies which is naturally occurring  
35 and found only within specific areas in the country;

36 (q) "*Exotic species*" refers to species or subspecies which do not naturally occur in

1 the country;

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

4 (s) "*Genetic material*" refers to any material of plant, animal, microbial or other  
5 origin containing functional units of heredity;

6 (t) "*Genetic resources*" refers to genetic material of actual or potential value;

7 (u) "*Gratuitous permit*" refers to the permit issued to any person to collect wildlife  
8 for non-commercial scientific, or educational undertaking;

9 (v) "*Habitat*" refers to the place or environment where species or subspecies  
10 naturally occurs or has naturally established its population;

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

13 (x) "*Indigenous wildlife*" refers to species or subspecies of wildlife naturally  
14 occurring or has naturally established population in the country;

15 (y) "*Introduction*" refers to bringing of species into the wild that is outside its  
16 natural habitat;

17 (z) "*Introduction from the sea*" refers to the transportation into the country of  
18 specimens of any species which were taken in the marine environment not under the  
19 jurisdiction of any State;

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

23 (bb) "*Local transport permit*" refers to a permit authorizing a person to bring  
24 wildlife from one place to another within the territorial jurisdiction of the Philippines"

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

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

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

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

35 (gg) "*Possession*" refers to both actual possession or immediate physical control  
36 over wildlife, or wildlife by-products or derivatives, and to constructive possession or

1 ownership or control over the place or conveyance where the wildlife, or wildlife by-  
2 products or derivatives are found;

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

5 (ii) "*Secretary/Secretaries*" refers to either or both the Secretary of the DENR and  
6 the Secretary of DA.

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

8 (kk) "*Special Local Transport Permit*" refers to a permit conferred to holders of  
9 Wildlife Special Use Permit (WSUP) authorizing the conveyance of wildlife, by-products  
10 and/or derivatives from the facility of origin to one or more places within the Philippines  
11 and back to the facility of origin;

12 (ll) "*Threatened species*" refers to species or subspecies considered as critically  
13 endangered, endangered, vulnerable or other accepted categories of wildlife whose  
14 population is at risk of extinction;

15 (mm) "*Trade*" refers to the act of engaging in the exchange, exportation or  
16 importation, purchase or sale of wildlife, their derivatives or by-products, locally or  
17 internationally;

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

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

24 (pp) "*Wildlife*" refers to wild forms and varieties of flora and fauna, in all  
25 developmental stages, including those which are in captivity or are being bred or  
26 propagated;

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

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

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

34 (tt) "*Wildlife laundering*" refers to the process by which wildlife traders disguise the  
35 origin and ownership of illegally acquired wildlife by making such appear to have been  
36 derived from a legitimate source to circumvent wildlife laws and regulations;

1 (uu) "*Wildlife Rescue Center*" refers to government established or designated  
2 repositories of confiscated, donated, retrieved, or turned-over wildlife or an establishment  
3 where sick, injured, confiscated wildlife are temporarily kept and rehabilitated prior to the  
4 release to their natural habitat or implementation of other modes of disposition as may  
5 be authorized by the Secretary or the PCSD;

6 (vv) "*Wildlife registration*" refers to the act of entering in the official records  
7 wildlife, by-products and derivatives and granting authority to any person to maintain  
8 said wildlife, by-products and derivatives;

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

13 (xx) "*Zoological Park*" or "*Zod*" refers to an establishment where a collection of  
14 wild fauna is maintained for recreational, educational, research, conservation or scientific  
15 purposes.

### 16 17 **CHAPTER III**

## 18 **CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES**

19  
20 **SEC. 6. *Wildlife Information.*** – All activities, as subsequently manifested under  
21 this Chapter, shall be authorized by the Secretary or PCSD upon proper evaluation of best  
22 available information or scientific data showing that the activity is, or for a purpose, not  
23 detrimental to the survival of the species or subspecies involved and/or their habitat. For  
24 this purpose, the Secretary shall regularly update wildlife information through research.

25 The DENR, DA and PCSD shall establish their respective National Wildlife  
26 Management Committees (NWMCs) to provide technical and scientific advice on wildlife.  
27 Each NWMC shall be composed of representatives from the DENR, DA or PCSD, other  
28 concerned government agencies, and local scientists with expertise on various fields of  
29 discipline on wildlife. The NWMC shall invite other stakeholders as resource persons, when  
30 necessary. The DENR, DA or PCSD shall act as Chairperson of their respective NWMC.

31 The DENR and DA shall establish Regional Wildlife Management Committees  
32 (RWMCs) to provide technical and scientific advice on wildlife to DENR and DA field  
33 offices.

34 **SEC. 7. *Biosafety*** – All activities dealing on genetic engineering and pathogenic  
35 organisms in the Philippines, as well as activities requiring the importation, introduction,  
36 field release and breeding of organisms that are potentially harmful to man and the



1 environment shall be reviewed by the DENR, DA-BFAR or PCSD in accordance with the  
2 biosafety guidelines ensuring public welfare and the protection and conservation of  
3 wildlife and their habitats.

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

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

12 Whenever an economically important species become threatened, any form of  
13 collection shall be prohibited except for scientific, educational or breeding/propagation  
14 purposes, pursuant to the provisions of this Act.

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

22 The list of IAS and the NISSAP shall be periodically reviewed and updated.

23 All national government agencies and local government units shall coordinate with  
24 the DENR, DA and PSCD in the implementation and localization of the strategy and action  
25 plan.

26 **SEC. 10. *Designation of Management and Scientific Authorities for***  
27 ***International Trade in Endangered Species of Wild Fauna and Flora.*** – For the  
28 implementation of international agreement on international trade in endangered species  
29 of wild fauna and flora, the management authorities for terrestrial and aquatic resources  
30 shall be the Biodiversity Management Bureau (BMB) of the DENR and the Bureau of  
31 Fisheries and Aquatic Resources (BFAR) of the DA, respectively and that in the Province  
32 of Palawan the implementation hereof is vested to the Palawan Council for Sustainable  
33 Development pursuant to Republic Act No. 7611.

34 To provide advice to the management authorities, there shall be designated  
35 scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species,  
36 the scientific authorities shall be the Ecosystems Research and Development Bureau

1 (ERDB) of the DENR, the University of the Philippines (U.P.) Institute of Biological  
2 Sciences, U.P. Institute of Biology and the National Museum and other agencies as may  
3 be designated by the Secretary. For the marine and aquatic species, the scientific  
4 authorities shall be the National Fisheries Research and Development Institute (NFRDI),  
5 U.P. Marine Science Institute, U.P. Visayas, Silliman University, the National Museum and  
6 other agencies as may be designated by the Secretary: *Provided*, That in the case of  
7 terrestrial species, the ERDB shall chair the scientific authorities, and in the case of marine  
8 and aquatic species, the NFRDI shall chair the scientific authorities.

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

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

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

27 **SEC. 14. *Local Transport of Wildlife, By-Products and Derivatives.*** – Local  
28 transport of wildlife, by-products and derivatives legally collected or possessed shall be  
29 authorized unless the same is prejudicial to the wildlife and public health.

30 **SEC. 15. *Exportation and/or Importation of Wildlife, By-Products and***  
31 ***Derivatives.*** – Wildlife, by-products and derivatives may be exported to or imported  
32 from another country as may be authorized by the Secretary or the PCSD or their  
33 designated representatives, subject to strict compliance with the provisions of this Act  
34 and the rules and regulations promulgated pursuant thereto: *Provided*, That the recipient  
35 of live wildlife has technical and financial capacity to maintain it: *Provided, further*, That  
36 the importation of invasive alien species shall not be allowed.

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

6           Any proposed introduction shall be subject to a scientific study which shall focus  
7 on the bioecology and natural history as well as the conduct of public consultations with  
8 concerned individuals or entities.

9           **SEC. 17. *Introduction of Exotic Wildlife.*** – No exotic species shall be  
10 introduced into the country without a clearance from the Secretary or PCSD or their  
11 authorized representatives. In no case shall exotic species be introduced into protected  
12 areas covered by R.A. No. 7586 and R.A. No. 11038 and to critical habitats under Section  
13 27 hereof: *Provided*, That the introduction of such exotic species shall not pose any  
14 adverse impacts on local ecology and that further environmental impact study shall be  
15 undertaken which shall focus on the bioecology, natural history, socioeconomic and  
16 related aspects of the area where the species will be introduced. The proponent shall also  
17 be required to secure the free and prior informed consent from concerned indigenous  
18 people (IP) communities as well as to conduct public consultation with local stakeholders.

19           **SEC. 18. *Bioprospecting.*** – Bioprospecting shall be allowed upon execution of  
20 an undertaking by any proponent, stipulating therein its compliance with and commitment  
21 to reasonable terms and conditions that may be imposed by the Secretary or the PCSD  
22 which are necessary to protect biological diversity and ensure fair and equitable sharing  
23 of benefits derived from the utilization of Philippine genetic resources.

24           Before any permit shall be granted by the Secretary or the PCSD or their authorized  
25 representatives, the proponent shall secure the prior informed consent from the  
26 concerned indigenous cultural communities, local communities, the Protected Area  
27 Management Board under Republic Act Nos. 7586 and 11038, or from any affected  
28 person. The applicant shall fully disclose the intent and scope of the bioprospecting  
29 activity in a language and process understandable to the community.

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

33           Upon submission of the complete requirements, the Secretary or PCSD shall act  
34 on the research proposal within a reasonable period of time.

35           **SEC. 19. *Scientific Researches on Wildlife.*** – Collection and utilization of  
36 biological resources for scientific research, not for commercial purposes, shall be allowed

1 upon execution of an undertaking/agreement and/or issuance of a gratuitous permit by  
2 the Secretary or the authorized representative: *Provided*, That clearance from concerned  
3 bodies shall be secured before the issuance of the gratuitous permit: *Provided*, That  
4 special conditions to facilitate the conduct of scientific research by Filipino students may  
5 be provided by the Secretary or PCSD.

6 Whenever applicable and appropriate, a local institution shall be tapped to be  
7 involved in the research, collection and technological development of the product/s  
8 derived from the biological and genetic resources.

9 **SEC. 20. Commercial Breeding or Propagation of Wildlife Resources. –**

10 Breeding or propagation of wildlife for commercial purposes shall be allowed by the  
11 Secretary or PCSD or their authorized representatives pursuant to Section 6 of this Act  
12 through the issuance of wildlife farm/culture permit: *Provided*, That only propagated  
13 flora, progenies of wild fauna raised, and/or specimens there from, as well as  
14 unproductive parent stock shall be utilized for trade: *Provided, further*, That commercial  
15 propagation and breeding operations for wildlife, whenever appropriate, shall be subject  
16 to an environmental impact study.

17 **SEC. 21. Collection of Threatened Wildlife, By-products and Derivatives.**

18 – The collection of threatened wildlife, as determined and listed pursuant to this Act,  
19 including its by-products and derivatives, shall be allowed only for scientific, or breeding  
20 or propagation purposes in accordance with Section 6 of this Act: *Provided*, That only  
21 persons accredited by the Secretary or PCSD shall be allowed to collect for conservation  
22 breeding or propagation purposes.

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

24 Conservation breeding or propagation of threatened species shall be encouraged in order  
25 to enhance its population in its natural habitat. It shall be done simultaneously with the  
26 rehabilitation and/or protection of the habitat where the captive-bred or propagated  
27 species shall be released, reintroduced or restocked.

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

29 Commercial breeding or propagation of threatened species may be allowed provided that  
30 the following minimum requirements are met by the applicant, to wit:

- 31 (a) Proven effective breeding and captive management techniques for the species;  
32 and  
33 (b) Commitment to undertake commercial breeding in accordance with Section 20  
34 of this Act, simultaneous with conservation breeding.

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

1           **SEC. 24. Authority of the Secretary to Issue Permits.** – The Secretary, or  
2 the duly authorized representative, and the PCSD, shall issue  
3 permits/certifications/clearances with corresponding periods of validity according to the  
4 following:

- |    |  |                         |
|----|--|-------------------------|
| 5  | (1) Wildlife farm or culture permit          | 3 to 5 years;           |
| 6  | (2) Wildlife collector's permit              | 1 to 3 years;           |
| 7  | (3) Gratuitous permit                        | 1 to 3 years;           |
| 8  | (4) Local transport permit                   | not more than 3 months; |
| 9  | (5) Special Local Transport Permit           | not more than 3 months  |
| 10 | (6) Wildlife Local Trade Permit              | 1 year                  |
| 11 | (7) Wildlife Special Use Permit              | 1 to 3 years            |
| 12 | (8) Export/Import/Re-export Permit           | 1 to 6 months;          |
| 13 | (9) Certificate of Introduction from the Sea | 1 to 6 months           |

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

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

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

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

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

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

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

11          The Secretary or PCSD shall review, revise and publish the list of categorized  
12 threatened wildlife within one (1) year after effectivity of this Act. Thereafter, the list shall  
13 be updated regularly or as the need arises: *Provided*, That a species listed as threatened  
14 shall not be removed therefrom within three (3) years following its initial listing.

15          Upon filing of a petition based on substantial scientific information of any person  
16 seeking for the addition or deletion of a species from the list, the Secretary or PCSD shall  
17 evaluate in accordance with the relevant factors stated in the first paragraph of this  
18 section, the status of the species concerned and act on said petition within a reasonable  
19 period of time.

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

25           (a) Wildlife stock acquired under a prior valid wildlife permit issued to the same  
26 applicant, including but not limited to wildlife import permits or certifications, wildlife  
27 collector's permit, subject to submission of proof of legal acquisition;

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

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

34          Possession of registered wildlife species shall be subject to the conditions under  
35 Section 12. When a registered threatened species is needed for breeding, propagation or  
36 research purposes, the State may acquire the registered wildlife from any person through

1 a mutually acceptable arrangement. (26a)

2 **SEC. 28. *Establishment of Critical Habitats.*** – The Secretary or PCSD shall  
3 designate critical habitats outside protected areas under R.A Nos. 7586 and 11038 where  
4 threatened species are found. Such designation shall be made on the basis of the best  
5 scientific data taking into consideration species endemicity and/or richness, presence of  
6 man-made pressures/threats to the survival of wildlife living in the area, among others.

7 All designated critical habitats shall be protected, in coordination with the local  
8 government units and other concerned groups, from any form of exploitation or  
9 destruction which may be detrimental to the survival of the threatened species dependent  
10 therein. For such purpose, the Secretary or PCSD may acquire, by purchase, donation or  
11 expropriation, lands, or interests therein, including the acquisition of usufruct,  
12 establishment of easements or other undertakings appropriate in protecting the critical  
13 habitat.

#### 14 **CHAPTER IV**

#### 15 **WILDLIFE CRIME, PENALTIES AND ADMINISTRATIVE ADJUDICATION**

16  
17 **SEC. 29. *Illegal Acts.*** – Unless otherwise allowed in accordance with this Act, it  
18 shall be unlawful for any person to willfully and knowingly undertake, or to induce, solicit  
19 or employ another person to undertake, the following acts:

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

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

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

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

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

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

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

34 (b) inflicting injury which cripples and/or impairs the reproductive system of  
35 wildlife species;

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

- 1 (i) dumping of waste products detrimental to wildlife and/or the critical  
2 habitat;
- 3 (ii) squatting or otherwise illegally occupying any portion of the critical  
4 habitat;
- 5 (iii) mineral exploration and/or extraction, treasure-hunting and/or  
6 prospecting;
- 7 (iv) burning;
- 8 (v) logging;
- 9 (vi) quarrying.
- 10 (vii) land reclamation;
- 11 (viii) disturbing wildlife;
- 12 (ix) introduction of substance that endangers the habitat or render habitat  
13 no longer viable for wildlife
- 14 (d) introduction, reintroduction or restocking of wildlife resources;
- 15 (e) trading or attempting to trade wildlife, wildlife by-products and/or derivatives,  
16 including advertising, contracting or offering for the purpose of sale or procurement of  
17 wildlife, wildlife by-products and/or derivatives;
- 18 (f) collecting, hunting or possessing wildlife, wildlife by-products and/or  
19 derivatives;
- 20 (g) gathering or destroying of active nests, nest trees, host plants and the like;
- 21 (h) maltreating and/or inflicting other injuries not covered by the preceding  
22 paragraphs;
- 23 (i) transporting of wildlife;
- 24 (j) wildlife laundering; and
- 25 (k) destruction of wildlife habitat.

26 Provided that when three or more individuals cooperated and work together in  
27 committing any of violations of letters (a), (e), (f), (i), and (j); involving one hundred or  
28 more specimens of threatened species or two hundred or more specimens of non-  
29 threatened species, either for international trade or transaction or involving wildlife  
30 originated or derived from international trade or transaction, shall be penalized by the  
31 offense of Wildlife Trafficking.

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

- 36 (a) imprisonment of *reclusion temporal* (from 12 years and 1 day to 20 years) and



1 a fine of Two hundred thousand pesos (P200,000.00) to Two million pesos  
2 (P2,000,000.00), if inflicted or undertaken against species listed as critically  
3 endangered;

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

7 (c) imprisonment of *prision correccional* in its medium and maximum period (From  
8 2 years, 4 months and 1 day to 6 years) and a fine of Sixty thousand pesos  
9 (P60,000.00) to Six hundred thousand pesos (P600,000.00), if inflicted or  
10 undertaken against vulnerable species;

11 (d) imprisonment of *prision correccional* in its minimum period (from 6 months and  
12 1 day to 2 years and 4 months) and a fine of Forty thousand pesos (P40,000.00)  
13 to Four hundred thousand pesos (P400,000.00) if inflicted or undertaken against  
14 near threatened species; and

15 (e) imprisonment of *prision correccional* in its minimum period (from 6 months and  
16 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos (P20,000.00)  
17 to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against  
18 other wildlife species.

19  
20 For illegal acts under paragraph (b) of the immediately preceding section, the  
21 following penalties and fines shall be imposed:

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

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

30 (3) imprisonment of *prision correccional* in its minimum period (from 6 months and  
31 1 day to 2 years and 4 months) and a fine of Forty thousand pesos (P40,000.00)  
32 to Four hundred thousand pesos (P400,000.00), if inflicted or undertaken against  
33 vulnerable species;

34 (4) imprisonment of *prision correccional* in its minimum period (from 6 months and  
35 1 day to 2 years and 4 months) and fine of Twenty thousand pesos (P20,000.00)  
36 to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against

1 near threatened species; and

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

5  
6 For illegal acts under paragraphs (c) and (d) of the immediately preceding section,  
7 an imprisonment of *arresto mayor* to *prision mayor* in its minimum period (from 1 month  
8 and 1 day to 8 years) and a fine of Ten thousand pesos (P10,000.00) to Ten million pesos  
9 (P10,000,000.00) shall be imposed. If critical habitat requires rehabilitation or restoration  
10 as determined by the Court, the offender shall be additionally required to restore the  
11 same, whenever practicable, or pay additional compensation for the damage caused.

12  
13 For illegal acts under paragraph (e), the following penalties and fines shall be  
14 imposed:

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

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

23 (3) imprisonment of *prision correccional* in its minimum period (from 6 months and  
24 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos (P20,000.00)  
25 to Two hundred thousand pesos (P200,000.00), if involving vulnerable species;

26 (4) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a  
27 fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos  
28 (P100,000.00), if involving species listed as near threatened species; and

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

32  
33 For illegal acts under paragraphs (f) and (g) of the immediately preceding section,  
34 the following penalties and fines shall be imposed:

35 (1) imprisonment of *prision correccional* in its medium period (from 2 years, 4  
36 months and 1 day to 4 years and 2 months) and a fine of Sixty thousand pesos

1 (P60,000.00) to Six hundred thousand pesos (P600,000.00), if inflicted or  
2 undertaken against species listed as critically endangered;

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

7 (3) imprisonment of *prision correccional* in its minimum period (from 6 months and  
8 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos (P20,000.00)  
9 to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against  
10 vulnerable species;

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

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

21  
22 For illegal acts under paragraphs (h) and (i) of the immediately preceding section,  
23 the following penalties and fines shall be imposed:

24 (1) imprisonment of *prision correccional* in its minimum period (from 6 months and  
25 1 day to 2 years and 4 months) and a fine of One hundred thousand pesos  
26 (P100,000.00) to Two hundred thousand pesos (P200,000.00) if inflicted or  
27 undertaken against species listed as critically endangered;

28 (2) imprisonment of *arresto mayor* in its maximum period (from 4 months and 1  
29 day to 6 months) and a fine of Forty thousand pesos (P40,000.00) to One hundred  
30 thousand pesos (P100,000.00), if inflicted or undertaken against endangered  
31 species;

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

35 (4) imprisonment of *arresto menor* in its medium period and maximum period  
36 (from 11 to 30 days) and a fine of Two thousand pesos (P2,000.00) to Ten

1 thousand pesos (P10,000.00), if inflicted or undertaken against species listed as  
2 near threatened species;

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

6  
7 For illegal acts under paragraph (j) of the immediately preceding section, the  
8 following penalties and fines shall be imposed:

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

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

17 (3) imprisonment of *prision correccional* in its minimum period (from 6 months and  
18 1 day to 2 years and 4 months) and a fine of Twenty thousand pesos (P20,000.00)  
19 to Two hundred thousand pesos (P200,000.00), if involving vulnerable species;

20 (4) imprisonment of *arresto mayor* (from 1 month and 1 day to 6 months) and a  
21 fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos  
22 (P100,000.00), if involving species listed as near threatened species; and

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

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

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

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

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

9 **SEC. 33. *Escalation of the Amount of Fines.*** – The fines herein prescribed  
10 shall automatically increase, without need for further legislation or administrative  
11 issuance, by ten percent (10%) every three (3) years from the effectivity of this Act to  
12 maintain the deterrent function of such fines.

13 **SEC. 34. *Disputable Presumptions.*** – Without the appropriate wildlife permit,  
14 certification or clearance, or authority, at the time of apprehension, the following shall  
15 constitute *prima facie* evidence of the corresponding illegal acts punishable under this  
16 Act:

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

21 (b) Presence of fresh and/or dried blood, by-products or derivatives of the wildlife,  
22 with or without the tools, equipment and/or paraphernalia derivatives, shall be a  
23 disputable presumption of the killing and/or destruction of, or inflicting injury to, the  
24 wildlife species involved;

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

28 (d) Failure on the part of any airfreight, shipping, trucking or forwarding company,  
29 or any parcel or mail delivery service providers from whose possession the wildlife, wildlife  
30 by-products and/or derivatives are discovered or seized to fully cooperate in the  
31 investigation by concerned government authorities on the matter shall create a  
32 presumption that there is connivance or conspiracy between the company/service  
33 provider and the shipper to violate the provisions of this Act.

34 **SEC. 35. *Qualifying Circumstances.*** – Each wildlife specimen shall constitute  
35 a separate and distinct count of an illegal act. The imposition of penalties shall be qualified  
36 according to the following circumstances:

1 (a) If more than one (1) specimen of a critically endangered species is involved,  
2 the maximum penalty shall be imposed;

3 (b) If more than five (5) of specimens of an endangered species is involved, the  
4 maximum penalty shall be imposed;

5 (c) If more than eight (8) specimens of a vulnerable species is involved, the  
6 maximum penalty shall be imposed;

7 (d) If more than ten (10) specimens of a near threatened species is involved, the  
8 maximum penalty shall be imposed;

9 (e) If more than fifteen (15) specimens of other wildlife species is involved, the  
10 maximum penalty shall be imposed;

11 (f) If more than twenty (20) wildlife specimens of any classification is involved, the  
12 maximum penalty shall be imposed;

13 (g) If the prohibited act is committed in a large scale and/or by a syndicate, the  
14 penalty of twice the maximum penalty imposable shall be imposed. A prohibited act is  
15 deemed large scale when the total number of wildlife specimens involved is more than  
16 thirty (30). A prohibited act is deemed committed by a syndicate if more than three (3)  
17 persons are involved;

18 (h) If the prohibited act committed involves the inducement of indigenous peoples,  
19 the maximum penalty shall be imposed.

20 **SEC 36. Penalties for Recidivists.** – The maximum applicable penalty shall be  
21 imposed upon a recidivist who commits any of the illegal acts punishable under this Act.  
22 A recidivist shall mean a person who, at the time of his or her trial for a violation of this  
23 Act, shall have been previously convicted by final judgment of the same or another  
24 violation of this Act.

25 **SEC 37. Liability under Other Laws.** – Prosecution for violation of this Act shall  
26 be without prejudice to the prosecution of the offender for violation of other laws, rules  
27 and regulations.

28 **SEC. 38. Authority to Adjudicate and Administer Penalties.** – The Secretary  
29 or PCSD or their respective authorized representatives are authorized to exercise  
30 administrative adjudication confiscation and forfeiture powers, including the power to cite  
31 in contempt, in all cases of violations of this Act and may impose administrative sanctions  
32 such as payment of fines, and/or order the suspension or cancellation of existing wildlife  
33 permits and disqualification from issuance of future permits, the closure of establishment,  
34 and/or the confiscation and forfeiture of all wildlife, wildlife by-products and/or  
35 derivatives, and all paraphernalia, tools and conveyances used in connection with the  
36 violation, and to dispose of the same in accordance with pertinent laws, regulations or

1 policies on the matter. The Secretary or PCSD or their respective authorized  
2 representatives may, after due notice and hearing, cancel or suspend wildlife permits,  
3 clearances, agreements and/or certificates due to violation of this Act, its implementing  
4 rules and regulations, and/or the terms of the permits, agreements or certificates. The  
5 Secretary or PCSD shall issue appropriate procedural rules and regulations on  
6 administrative adjudication of violations of this Act.

7  
8 **CHAPTER V**  
9 **WILDLIFE LAW ENFORCEMENT**  
10

11 **SEC. 39. *Creation of Plantilla Positions for Wildlife Law Enforcement.* –**

12 The DA, DENR and PCSD are hereby authorized to create, subject to existing guidelines,  
13 permanent positions of Wildlife Enforcement Agents, or designate their existing  
14 permanent employees as such from their respective enforcement units. Such Wildlife  
15 Enforcement Agents shall have full authority to conduct enforcement activities to enforce  
16 the provisions of this Act such as, but not limited to, the conduct of surveillance activities,  
17 investigation, application and implementation of search warrants, arrests of violators and  
18 seizures of illegally possessed, collected, traded or transported wildlife, their by-products  
19 and derivatives including the conveyances, tools and implements used thereto. Wildlife  
20 Enforcement Agents are authorized to carry their agency's badge and government  
21 firearms in the conduct of their duties, subject to the existing rules on firearms and after  
22 proper training from any government facility.

23 **SEC. 40. *Deputation of Wildlife Enforcement Officers.* –** The Secretary and

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

33 **SEC. 41. *Creation of Wildlife Traffic Monitoring Units (WTMUs).* –** The

34 Secretary shall create wildlife traffic monitoring units in strategic air and seaports all over  
35 the country to ensure the strict compliance and effective implementation of all existing  
36 wildlife laws, rules and regulations, including pertinent international agreements. For this

1 purpose, the DENR, DA or PCSD are authorized to add in their staffing pattern Wildlife  
2 Inspectors, to be assigned at WTMUs, who shall have the same powers and authorities  
3 as of the Wildlife Enforcement Officers. National government agencies with mandates on  
4 transportation and local government units shall provide necessary assistance to such  
5 WTMUs.

6 Customs officers and/or authorized representatives from other government  
7 agencies or instrumentalities such as, but not limited to, those from the Office for  
8 Transportation Security (OTS), the Civil Aviation Authority of the Philippines (CAAP),  
9 assigned 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 attention of,  
11 and/or turn over the intercepted wildlife, wildlife by-products and/or derivatives to, the  
12 wildlife traffic monitoring unit assigned in the area.

13 **SEC. 42. Wildlife Regulatory and Law Enforcement Management**  
14 **Information System.** – The DENR, DA and PCSD shall develop, establish and maintain  
15 a wildlife law enforcement management information system to aid in the monitoring,  
16 regulation, control and surveillance of activities involving wildlife, particularly the  
17 possession, transport and trade of wildlife, wildlife by-products and derivatives.

18 **SEC. 43. Role of Local Government Units.** – Local government units shall  
19 support the DENR, DA and PCSD in the implementation of this Act. Local government  
20 units shall require the presentation of the appropriate and duly issued wildlife permits  
21 and/or clearances by persons engaged in business activities involving wildlife as a pre-  
22 requisite for the issuance or renewal of business permits and other applicable local  
23 government permits and clearances to such persons.

24 **SEC. 44. Public Participation.** – The participation of the private citizens in  
25 reporting and providing information on illegal wildlife trade shall be encouraged. Any  
26 private person who shall provide any information leading to the apprehension,  
27 prosecution and/or conviction of any offender for any violation of this Act and its  
28 implementing rules and regulations, or confiscation of wildlife, its derivatives or by-  
29 products, and all paraphernalia, tools and conveyances used in connection with the  
30 violation, may be given a reward in an amount to be determined through a policy  
31 guideline issued by the Secretary or the PCSD.

32 **SEC. 45. Strategic Lawsuit Against Public Participation (SLAPP) in the**  
33 **Enforcement of this Act.** – A legal action filed to harass, vex, exert undue pressure, or  
34 stifle any legal recourse that any person, institution, or the government has taken or may  
35 take in the enforcement of this Act shall be treated as a Strategic Lawsuit Against Public  
36 Participation (SLAPP).



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

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

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

12  
13 **CHAPTER VI**  
14 **MISCELLANEOUS PROVISIONS**

15  
16 **SEC. 46. *Wildlife Management Fund.*** – There is hereby established a Wildlife  
17 Management Fund to be administered by the DENR, DA and PCSD as a special account  
18 in the National Treasury. It shall finance rehabilitation or restoration of habitats affected  
19 by acts committed in violation of this Act and support scientific research, enforcement  
20 and monitoring activities, procurement of vehicles, firearms and ammunitions, as well as  
21 enhancement of capabilities of relevant agencies. The Wildlife Management Fund may  
22 also be used for establishment of intelligence or confidential funds for confidential law  
23 enforcement operations.

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

31 **SEC. 47. *Exemption from Taxes.*** – Any donation, contribution, bequest,  
32 subsidy or financial aid which may be made to the DENR, DA, PCSD and to NGOs and  
33 peoples organizations engaged in wildlife conservation, protection and law enforcement  
34 duly registered with the Securities and Exchange Commission or the Cooperative  
35 Development Authority, as certified by the local government unit, the DENR, DA or PCSD,  
36 for the conservation and protection of wildlife resources and their habitats shall constitute

1 as an allowable deduction from the taxable income of the donor and shall be exempt  
2 from donor's tax.

3 **SEC. 48. *Wildlife Rescue Center.*** – The Secretary shall establish or designate  
4 wildlife rescue centers to take temporary custody and care of all confiscated, abandoned  
5 and/or donated wildlife to ensure their welfare and well-being. Such wildlife rescue  
6 centers shall be staffed by permanent qualified personnel and shall also have the  
7 necessary tools, machines, equipment and facilities consistent with the requirements of  
8 animal health and welfare. The Secretary shall formulate guidelines for the disposition of  
9 wildlife from the rescue centers.

10 **SEC. 49. *Establishment of National Wildlife Research Centers.*** – The  
11 Secretary and PCSD shall establish national and local wildlife research centers, as the  
12 case may be, for terrestrial and aquatic species to lead in the conduct of scientific  
13 researches on the proper strategies for the conservation and protection of wildlife,  
14 including captive breeding or propagation. Such research centers shall be staffed by  
15 permanent qualified personnel and shall also have the necessary tools, machines,  
16 equipment and facilities to conduct forensic analyses and other related capabilities for  
17 wildlife law enforcement. In this regard, the Secretary and PCSD shall establish  
18 partnerships with experts from academic and research institutions and the legitimate  
19 wildlife trade industry.

20 **SEC. 50. *Flagship Species.*** – Local government units shall initiate conservation  
21 measures for wildlife species in their areas. For this purpose, they may adopt flagship  
22 species such as the Cebu black shama (*Copsychus cebuensis*), tamaraw (*Bubalus*  
23 *mindorensis*), Philippine tarsier (*Tarsius syrichta*), Philippine teak (*Tectona*  
24 *philippinensis*), which shall serve as emblems of conservation for the local government  
25 concerned. The Secretary or PCSD or their authorized representatives may provide  
26 guidelines on the selection of flagship species.

27 **SEC. 51. *Heritage Trees.*** – In coordination with and with assistance from the  
28 DENR or PCSD, local government units shall declare or designate as heritage trees certain  
29 qualified endemic or indigenous tree species within their territorial jurisdiction. The  
30 Secretary or PCSD or their authorized representatives may provide guidelines on the  
31 selection of heritage trees.

32 **SEC. 52. *Botanical Gardens, Zoological Parks and Other Similar***  
33 ***Establishments.*** – The Secretary shall regulate the establishment, operation and  
34 maintenance of botanical gardens, zoological parks and other similar establishments for  
35 recreation, education and conservation.

36 **SEC. 53. *Registration of Museum Specimens.*** – Except for the National

1 Museum, all other museums and similar establishments displaying wildlife by-products  
2 and derivatives for public viewing shall register said specimens with the DENR, DA or  
3 PCSD, as the case may be.

4 **SEC. 54. *Communication, Education, Public Awareness and Information***  
5 ***Sharing.*** – The DENR, DA, PCSD and the Office of Special Envoy for Transnational Crimes  
6 (OSETC) shall undertake wildlife information awareness and wildlife crime prevention  
7 activities in coordination with and with assistance from the other national agencies and  
8 local government units. These agencies shall facilitate information sharing with other  
9 national agencies and pertinent agencies of the ASEAN and ASEAN member countries to  
10 further aid enforcement of the wildlife protection laws and address and deter wildlife  
11 trafficking and illegal wildlife trade.

12  
13 **CHAPTER VII**  
14 **FINAL PROVISIONS**

15  
16 **SEC. 55. *Appropriations.*** – The amount of Fifty million pesos  
17 (PhP50,000,000.00) shall be appropriated annually for the implementation of this Act. It  
18 shall be proportionately distributed to DENR, DA and PCSD.

19 **SEC. 56. *Implementing Rules and Regulations.*** – Within twelve (12) months  
20 following the effectivity of this Act, the Secretaries shall jointly promulgate the  
21 implementing rules and regulations for the effective implementation of this Act. Whenever  
22 appropriate, coordination in the preparation and implementation of rules and regulations  
23 on joint and inseparable issues shall be done by the DENR, DA and PCSD. The  
24 commitments of the State to international agreements and protocols shall likewise be a  
25 consideration in the implementation of this Act.

26 **SEC. 57. *Construction.*** – The provisions of this Act shall be liberally construed  
27 in favor of the conservation and protection of wildlife species and their habitats as defined  
28 in this Act, toward the promotion of ecological balance and enhancement of biological  
29 diversity.

30 **SEC. 58. *Report to Congress.*** – The Secretary or PCSD shall report to Congress,  
31 not later than March 30 of every year following the approval of this Act, the progress of  
32 efforts to conserve and protect Philippine wildlife resources and make the necessary  
33 recommendations in areas where there is need for legislative action.

34 **SEC. 59. *Joint Congressional Oversight Committee.*** – There is hereby  
35 created a Joint Congressional Oversight Committee to monitor and oversee the  
36 implementation of the provisions of this Act. The Committee shall be composed of six (6)

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

9       **SEC. 60. *Mandatory Review.*** – The Congressional Oversight Committee shall  
10 undertake the mandatory review of this Act at least once every five (5) years after the  
11 effectivity of this Act, or as the need arises,

12       **SEC. 61. *Separability Clause.*** – If any provision of this Act is declared  
13 unconstitutional or invalid, other parts or provisions hereof not affected shall continue to  
14 be in full force and effect.

15       **SEC. 62. *Repealing Clause.*** – Republic Act No. 9147 is hereby repealed. All  
16 other laws, ordinances, orders, rules, regulations and other issuances or parts thereof  
17 which are inconsistent with this Act are hereby repealed or amended accordingly.

18       **SEC. 63. *Transitory Provisions.*** – All rules and regulations issued pursuant to  
19 Republic Act No. 9147 shall remain in full force and effect until repealed, revised or  
20 otherwise modified by subsequent issuances.

21       **SEC. 64. *Effectivity.*** – This Act shall take effect fifteen (15) days after publication  
22 in the *Official Gazette* or in a newspaper of general circulation.

23 *Approved,*