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SENATE
S. No. 1825

Introduced by Senator Miriam Defensor Santiago *REMOVED BY* lv

EXPLANATORY NOTE

The Constitution, Article 11, Section 16 states that:

The State shall protect and promote the right to health of the people and instill health consciousness among them. 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.

This bill seeks to implement this policy by prohibiting the importation into the Philippines of mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles that may be injurious to its ecosystem.

In the past, the full or partial prohibition against importation of live animals was implemented because of the disease that the animals concerned carried. For instance, on 29 March 2005, the Department of Agriculture (DA) issued Memorandum Order No. 05, Series of 2005 imposing a temporary ban on the importation of domestic and wild birds and their products from North Korea because of the Bird Flu Virus. Earlier, or on 17 January 2005, the DA also issued Memorandum Order No. 01, Series of 2005 imposing a temporary ban on the importation of live cattle and their products from Canada because of the Mad Cow Disease. However, aside from the danger that the animals pose because of the diseases that they carry, these animals may pose the danger themselves, ie., they may attack other living creatures, intentionally or when provoked, or they may not be suited to live in Philippine environment.

Sometime in 2005, residents and fishponds owners in the towns surrounding the Laguna Lake and Marikina City complained of the proliferation of the "Janitor Fish" in the Laguna Lake and the Marikina River. Fishpond owners were complaining because Janitor Fish constitutes 10-38% of the total baklad catch in the Siniloan, Laguna area during the summer months of 2002. In addition, Fishermen complain that the Janitors not only gobble up the algae in the lake depriving other fish of food, they also destroy fishing nets with their sharp fins. The Janitor Fish is also

reported to be fond of fingerlings. Reports also say that it destroys the river flank, causing soil erosion. To date, there is no concrete evidence that the fish is anything more than a nuisance in fishing. The fact, however, that the Janitor Fish species is not native to Laguna de Bay leads to the apprehension that its continued proliferation may have a negative effect on the lake's ecosystem.

The Janitor Fish is just one of many species not endemic to the Philippines and whose entry to our ecological system could pose a threat of injury both to our environment and to the people who will handle them. To address such threat, this bill seeks to prohibit the entrance of injurious animals to the Philippines without permission from the proper authorities.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Thirteenth Congress, Second Regular Session

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SENATE
S. No. **1825**

Introduced by Senator Miriam Defensor Santiago

APPROVED BY
THE SENATE

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AN ACT
TO PROHIBIT IMPORTATION OR SHIPMENT OF MAMMALS, BIRDS, FISH
(INCLUDING MOLLUSKS AND CRUSTACEA), AMPHIBIA, AND REPTILES,
THAT MAY BE INJURIOUS TO THE PHILIPPINE ECOSYSTEM,
PROVIDING PENALTIES AND EXCEPTIONS

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

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SECTION 1. Short Title. - This Act shall be known as the "Anti-Injurious Animals Act."

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SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. To this end, the State aims to prohibit the importation of animals, which would cause injury to our environment and people.

11

SECTION 3. Definition of Terns. - As used in this Act, the term "wild" relates to any creatures that, whether or not raised in captivity, normally are found in a wild state; and the terms "wildlife" and "wildlife resources" include those resources that comprise wild mammals, wild birds, fish (including mollusks and crustacea), and all other classes of wild creatures whatsoever, and all types of aquatic and land vegetation upon which such wildlife resources are dependent.

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SECTION 4. Prohibition on Importation of Injurious Animals. - For purposes of this Act, the importation into the Philippines of species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, and reptiles, or the offspring or eggs of any of the foregoing which the Secretary of Environment and Natural Resources may prescribe by

1 regulation to be injurious to human beings, to the interests of agriculture, horticulture, forestry,
2 or to wildlife or the wildlife resources of the Philippines, is hereby prohibited. All such
3 prohibited mammals, birds, fish (including mollusks and crustacea), amphibians, and reptiles,
4 and the eggs or offspring therefrom, shall be promptly exported or destroyed at the expense of
5 the importer or consignee.

6 SECTION 5. Exceptions. - Notwithstanding the foregoing, the Secretary of Environment
7 and Natural Resources, when he finds that there has been a proper showing of responsibility and
8 continued protection of the public interest and health, shall permit the importation for zoological,
9 educational, medical, and scientific purposes of any mammals, birds, fish (including mollusks
10 and crustacea), amphibia, and reptiles, or the offspring or eggs thereof, where such importation
11 would be prohibited otherwise by or pursuant to this Act, and this Act shall not restrict
12 importations by government agencies for their own use. Nothing in this Act shall restrict the
13 importation of dead natural-history specimens for museums or for scientific collections, or the
14 importation of domesticated animals as the Secretary of Environment and Natural Resources
15 may designate.

16 SECTION 6. Bond Requirement. - The Secretary of Environment and Natural Resources
17 shall enforce the provisions of this Act, including any regulations issued hereunder, and, if
18 requested by the Secretary of Environment and Natural Resources, the persons concerned may be
19 required to furnish an appropriate bond to insure compliance with the provisions of this Act.

20 SECTION 7. Penalty. - Whoever violates this section, or any regulation issued pursuant
21 thereto, shall be fined by an amount not less than ten thousand pesos or imprisoned not more
22 than six months, or both, without prejudice to the filing of criminal charges for other crimes
23 intimately connected with this Act.

1 SECTION 8. Relevant and *Prima Facie* Evidence of Violation. - In any criminal
2 prosecution for violation of this Act and in any administrative proceeding for the suspension of
3 the issuance of further permits -

4 (A) The condition of any vessel or conveyance, or the enclosures in which wild animals
5 or birds are confined therein, upon its arrival in the Philippines thereof, shall
6 constitute relevant evidence in determining whether the provisions of this Act have
7 been violated; and

8 (B) The presence in such vessel or conveyance at such time of a substantial ratio of dead,
9 crippled, diseased, or starving wild animals or birds shall be deemed prima facie
10 evidence of the violation of the provisions of this Act.

11 SECTION 9. Separability Clause. .. If any provision or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14 SECTION 10. Repealing Clause. - Any law, presidential decree or issuance, executive
15 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
16 with the provisions of this Act is hereby repealed, modified or amended accordingly.

17 SECTION 11. Effectivity Clause. - This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) newspapers of general circulation.

Approved.