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SIXTEENTH CONGRESS OF THE REPUBLIC
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Senate
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SENATE

S. No. 264

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".

Some conservationists have observed that the Philippines, one of the world's most biologically diverse areas, is on the brink of a major wildlife crisis.

Over 50% of the 1,114 vertebrate species found on land are endemic in the Philippines and some of these species can be found in no other country. Further, 195 of the 600 bird species are endemic in our country alone. However, the Philippine's rich biodiversity is under threat. Islands once covered in undisturbed forest habitat are now being cultivated to meet the needs of the expanding population.

Deforestation, hunting, and a lack of wildlife management has led to the Philippines being described not just as a conservation 'hotspot' - an area of concern - but the 'hottest of the hotspots'. Many conservationists warn that the Philippines is 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 country now roughly constitute only 7% as a result of a rising incidence of logging, both legitimate and illegal. For a struggling nation like the Philippines, the toughest job of all is striking a balance between the need for industrial growth and the protection of natural resources.

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, promote ecologically sustainable development, prevent species extinction, promote the protection of threatened species and their habitats, and encourage the conservation of threatened species and their habitats.

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:*

1 **SECTION 1. Short Title.** – This Act shall be known as the **"Adopt-a-Wildlife**
2 **Species Act of 2013"**.

3
4 **SEC. 2. Declaration of Policy.** – The State is mandated under Section 16,
5 Article II of the Constitution to "protect and advance the right of the people to a balanced
6 and healthful ecology in accord with the rhythm and harmony of nature". Towards this
7 end, it is the policy of the State, as declared under Republic Act No. 9147, to conserve
8 the country's wildlife resources and their habitats for sustainability by: (a) conserving
9 and protecting wildlife species and their habitat to promote ecological balance and
10 enhance biological diversity; (b) regulating the collection and trade of wildlife; (c)
11 pursuing with due regard to the national interest the Philippine commitment to
12 international conventions on the protection of wildlife and their habitats; and (d) initiating
13 or supporting scientific studies on the conservation of biological diversity.

14
15 Consistent with this policy, the State, under Republic Act No. 7586, has
16 established a National Integrated Protected Areas System ("NIPAS") covering habitats
17 of rare, threatened and endangered species of plants and animals along with biographic
18 zones and related ecosystems.

19
20 **SEC. 3. Adopt-a-Wildlife Species Program.** – Pursuant to the aforesaid
21 national policy, there is hereby established an **"Adopt-a-Wildlife Species Program"**
22 which shall be implemented in all appropriate areas of the country with the active
23 participation, involvement and assistance of the local government units ("LGUs"), non-
24 governmental organizations ("NGOs"), people's organizations ("POs"), civil society
25 groups and private individuals.

26
27 The program shall have the following objectives:

28
29 (a) To conserve and protect biological diversity and promote ecologically
30 sustainable development;

31
32 (b) To prevent species extinction and promote the protection of threatened
33 species and their habitats; and

1
2 (c) To encourage the conservation of threatened species and their habitats
3 through the active participation of the private sector and all other sectors of society.
4

5 **SEC. 4. Memorandum of Agreement ("MOA").** – A Memorandum of
6 Agreement ("MOA") stipulating the terms and conditions for the adoption of a wildlife
7 species shall be executed by and between the adopting entity or individual and the
8 government agency that has jurisdiction over the selected wildlife species in accordance
9 with Republic Act No. 9147; whether it be the Secretary of the Department of
10 Environment and Natural Resources ("DENR"), the Secretary of the Department of
11 Agriculture ("DA"), the Chairman of the Palawan Council for Sustainable Development
12 ("PCSD"), or their duly authorized representatives.
13

14 In the preparation of the MOA and in negotiating the terms and conditions
15 thereof, the contracting parties shall consider the following:
16

- 17 (a) Application of the most efficient and effective use of available resources
18 for the conservation and protection of a threatened species and/or its
19 habitat;
- 20
- 21 (b) *Minimization of adverse social and economic consequences;*
- 22
- 23 (c) Integration of measures by which the public may participate in the
24 conservation process;
- 25
- 26 (d) Consultation with indigenous peoples with special knowledge or interest
27 pertaining to the species and habitat concerned; and
- 28
- 29 (e) Consultation with and securing assistance from experts and professionals.
30

31
32 The MOA shall among others:

- 33
- 34 (a) Identify the threatened species and/or habitat covered by the program;
- 35
- 36 (b) Identify processes that threaten the species and/or habitat concerned;
- 37
- 38 (c) Specify measures to be undertaken to ensure the conservation and
39 protection of the threatened species and/or habitat;
- 40
- 41 (d) Enumerate performance indicators for the evaluation of conservation and
42 protection measures; and
- 43
- 44 (e) Identify private and public sectors participants who shall be involved in the
45 implementation of the MOA.
46

47
48 The MOA shall be effective for at least two (2) years, which may be extended
49 upon mutual agreement of the parties: *Provided*, That such period may be shortened in
50 the event of dissolution of the adopting entity or death of the adopting individual, absent
51 any willing and qualified successor, unless the MOA is earlier terminated in accordance
52 with Section 7 hereunder.
53

54 **SEC. 5. Assignment of the MOA.** Should the adopting entity or individual
55 assign the implementation of the program to another qualified entity or individual, such

1 assignment shall be made in writing and shall be subject to the approval of the head of
2 the government agency concerned or his/her duly authorized representative.

3
4 **SEC. 6. National Technical Committee and Regional Monitoring**
5 **Committee.** – The Secretary of the DENR, the Secretary of the DA, and the Chairman
6 of the PCSD shall establish in their respective agencies the following committees:

7
8 (a) A National Technical Committee (“NTC”) composed of ranking officials
9 and experts in the field of wildlife conservation and management as well as
10 representatives from the private sector who are engaged in biodiversity conservation.
11 Such committee shall formulate the design and mechanics for implementation of the
12 program. The NTC shall meet once every three (3) months, or as often as necessary, to
13 process project proposals submitted by interested parties and to submit appropriate
14 recommendations to the concerned government agency head with respect to program
15 implementation; and

16
17 (b) A Regional Monitoring Committee (“RMC”) composed of ranking PCSD
18 officials from the regional down to the provincial and municipal/community levels which
19 shall conduct periodic monitoring, review, and evaluation of the performance of the
20 adopting entity or individual. The results of the RMC’s periodic evaluation shall be the
21 basis for the assessment of the adopting entity’s or individual’s application for tax
22 credits and incentives. It shall also be the basis for determining the appropriateness of
23 pre-termination of the MOA.

24
25 **SEC. 7. Pre-termination of the MOA.** – Nothing herein shall prevent the pre-
26 termination of the MOA should the RMC deem it appropriate, such as in the case of
27 abandonment by or insolvency of the adopting entity or individual or in the case of its
28 non-compliance with obligations as determined in this Act.

29
30 **SEC. 8. Obligations of the Adopting Entity or Individual.** – The following
31 shall be the obligations of the adopting entity or individual:

32
33 (a) To comply strictly with the terms and conditions stipulated in the MOA,
34 such as those referred to in Section 4; and

35
36 (b) To perform such other obligations or undertakings as may be required by
37 the national government agency having jurisdiction over the subject wildlife species,
38 consistent with the conservation policies enunciated in Republic Act No. 9147.

39
40 **SEC. 9. Tax Exemption and Incentives.** – Any donation, contribution,
41 bequest or grant which shall be made to the “Adopt-a-Wildlife Species Program” under
42 the DENR, the DA and the PCSD shall be exempt from donor’s tax and the same shall
43 be considered as an allowable deduction from the gross income of the donor agency for
44 purposes of paying the donor agency’s income tax, in accordance with the provisions of
45 the National Internal Revenue Code of 1997, as amended.

46
47 **SEC. 10. Implementing Rules and Regulations (IRR).** – The Secretary of
48 the DENR, the Secretary of the DA and the Chairman of the PCSD, or their duly
49 authorized representatives, shall, in consultation with the Department of Finance (DOF),
50 jointly formulate the rules and regulations to implement the relevant provisions of this
51 Act.

52
53 **SEC. 11. Appropriations.** – The amount necessary for the initial
54 implementation of this Act shall be charged against the current year’s appropriations of
55 the DENR, the DA and the PCSD. Thereafter, such amounts as may be necessary for
56 its continued implementation shall be included in the annual General Appropriations Act.

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SEC. 12. Separability Clause. – If any part or provision of this Act shall be held unconstitutional or invalid, the validity of the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 13. Repealing Clause. – All laws, presidential decrees, executive orders, rules, and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 14. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,