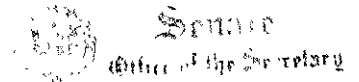


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



15 JUN -8 P4 :34

SENATE  
S. No. 2820

FILED BY: J

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
CREATING THE NON-INDIGENOUS SPECIES MANAGEMENT PLAN AND  
LISTING PROCESS FOR NON-NATIVE SPECIES

EXPLANATORY NOTE

The Constitution, Article 2, Section 16, provides:

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.

Invasive species refers are non-indigenous species that are rapidly expanding outside of their native range. Invasive species can alter ecological relationships among native species and can affect ecosystem function and human health. A species is regarded as invasive if it: (1) has been introduced by human action to a location where it did not previously occur naturally, (2) becomes capable of establishing a breeding population in the new location without further intervention by humans, and (3) spreads widely throughout the new location. Because of its effects on biodiversity, agriculture, forestry, as well as tourism, the introduction of these harmful non-indigenous species wreaks havoc to the nation's economy and the livelihood of millions of Filipinos.

This bill will provide both coordination among agencies and a comprehensive management program to tackle invasive species prevention, monitoring, control, and enforcement. This is a comprehensive management legislation that directs the Department of Environment and Natural Resources to establish a comprehensive management program that includes strategic planning, educational programs, regional

coordination, prevention, monitoring, control, and enforcement mechanisms. The DENR Secretary shall also prepare a long-term plan to implement this program. Finally, the bill provides specific criteria for creating a list of non-indigenous species according to the species' risk of or demonstrated damage to native ecosystems or resource utilization. This list provides the basis for prohibited and restricted use or introduction of the species within the state.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed in the Thirteenth Congress, Third Regular Session, and re-filed in the Fourteenth Congress, First Regular Session.

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

SENIOR  
Office of the Secretary

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AN ACT  
CREATING THE NON-INDIGENOUS SPECIES MANAGEMENT PLAN AND  
LISTING PROCESS FOR NON-NATIVE SPECIES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Non-Indigenous  
2 Species Management Act of 2015”.

3 SECTION 2. *Definition of Terms.* – For the purposes of this Act, the term:

- 4 A. "Biological control organism" means any species used to control a  
5 harmful non-indigenous species;
- 6 B. "Control" means eradicating, suppressing, reducing, or managing  
7 harmful non-indigenous species populations, preventing the spread of  
8 harmful non-indigenous species from areas where they are present and  
9 taking steps such as protection and restoration of native species  
10 populations and habitats to reduce the impacts of harmful non-  
11 indigenous species and to prevent further invasions of harmful non-  
12 indigenous species;
- 13 C. “DENR” means the Department of Environment and Natural  
14 Resources;
- 15 D. "Secretary" means the Secretary of the Department of Environment and  
16 Natural Resources;

- 1 E. "Dispersal" refers to the natural or human-related spread of non-  
2 indigenous species from one water, wetland, or land area to other  
3 waters, wetlands, or land areas;
- 4 F. "Established" means, when used in reference to a species, occurring as  
5 a reproducing, self-sustaining population in an open ecosystem;
- 6 G. "Importation" means the act of bringing or introducing species into any  
7 place subject to the authority of the state or other appropriate  
8 jurisdictions from outside of the geographical borders of the state;
- 9 H. "Intentionally" means to purposely or knowingly commit an act, such  
10 as an introduction, release, transportation, importation, or exportation;
- 11 I. "Introduction" means the intentional or unintentional release, escape,  
12 dissemination, or placement of a species into an ecosystem as a result  
13 of human activity;
- 14 J. "Harmful non-indigenous species" means a non-indigenous species that  
15 can naturalize and either:
- 16 1. Causes or may cause displacement of, or otherwise threaten  
17 native species in their natural communities or ecosystems; or
  - 18 2. Threatens or may threaten natural resources or their use in the  
19 state;
- 20 K. "Manage" means to prevent new harmful non-indigenous species  
21 introductions into the state; to limit the dispersal of established harmful  
22 non-indigenous species populations into uninfested land areas,  
23 wetlands, and waters of the state; and to abate harmful ecological,  
24 economic and public health impacts resulting from the introduction,  
25 dispersal, or presence of harmful non-indigenous species in the state;

- 1 L. "Native species" refer to any species originally living, growing, or  
2 produced in an ecosystem within its historic range;
- 3 M. "Naturalized" refers to a non-indigenous species that is established as a  
4 self-sustaining population through natural reproduction in the wild  
5 outside its native range;
- 6 N. "Non-indigenous species" means any non-native plant, animal, or other  
7 viable biological material that enters and disperses in an ecosystem  
8 beyond its native range;
- 9 O. "Permit" means a written authorization, including by electronic  
10 methods, by the Secretary to propagate, possess, import, purchase, or  
11 transport species under conditions prescribed by the Secretary pursuant  
12 to this Act;
- 13 P. "Possession" means having direct physical control of a species at a  
14 given time or having both the power and intention to exercise dominion  
15 or 13 control of a species either directly or through another person or  
16 persons;
- 17 Q. "Prevent" means to identify and interrupt pathways by which harmful  
18 non-indigenous species can be imported, introduced, and dispersed;
- 19 R. "Prohibited non-indigenous species" or "prohibited species" means a  
20 harmful non-indigenous species that has been designated as a  
21 prohibited non-indigenous species in a rule adopted by the Secretary  
22 under Section 3. Prohibited species are designated for their harmful  
23 impact to native species, ecosystems, and natural resources of the state;
- 24 S. "Restricted non-indigenous species" or "restricted species" means a  
25 harmful non-indigenous species that has been designated as a restricted  
26 non-indigenous species in a rule adopted by the Secretary under

1 Section 3. Restricted species are subject to permitting and regulations  
2 deemed appropriate by the Secretary;

3 T. "Species" means a group of organisms all of which have a high degree  
4 of physical and genetic similarity, generally interbreed only among  
5 themselves, and show persistent differences from members of allied  
6 groups of organisms. The term "species" includes any subspecies of  
7 animal, plant, or biological material, and any distinct population  
8 segment of any species or animal, plant, or biological material which  
9 interbreeds when mature;

10 U. "Stakeholders" include, but are not limited to, local government  
11 agencies, academic institutions, the scientific community, regional  
12 entities, non-governmental entities including environmental,  
13 agricultural and conservation organizations, trade groups, commercial  
14 interests, and private landowners;

15 V. "Stocking" means the intentional introduction of any life stage of a  
16 plant or animal into public or private lands, wetlands, or waters of the  
17 state;

18 W. "Transport" means to cause or attempt to cause a harmful non-  
19 indigenous species to be carried or moved into, across, or within state  
20 boundaries, and includes accepting or receiving the species for  
21 transportation or shipment;

22 X. "Unlisted non-indigenous species" or "unlisted species" refers to those  
23 non-indigenous species that have not been designated as a prohibited  
24 non-indigenous species, a restricted non-indigenous species, or an  
25 unrestricted non-indigenous species in a rule adopted by the Secretary  
26 under Section 3; and

1 Y. "Unrestricted non-indigenous species" or "unrestricted species" means  
2 a non-indigenous species that has been designated as an unrestricted  
3 non-indigenous species in a rule adopted by the Secretary under  
4 Section 3. Unrestricted species do not require any regulation or  
5 permitting because they have been evaluated as relatively harmless for  
6 one or more of the following reasons: low likelihood to survive in  
7 waters, wetlands, or land areas of the state upon introduction; low level  
8 of potential impact to the native ecosystem or to resource use; or  
9 populations already naturalized in the state.

10 SECTION 3. *Management Authority.* – Legal authority shall be granted to the  
11 Secretary of the Department of Environment and Natural Resources to facilitate the  
12 prevention of introduction and dispersal of harmful non-indigenous species in the  
13 country. Key responsibilities to be associated with this management authority are as  
14 follows:

15 A. *Interjurisdictional agreements:* The Secretary shall seek cooperation, as  
16 appropriate, with regional, provincial, and municipal and with other  
17 agencies and organizations for the administration of any program  
18 established herein;

19 B. The Secretary shall establish a nationwide program to prevent and curb  
20 the spread of harmful non-indigenous species. In addition, the  
21 Secretary shall develop and implement programs that are compatible  
22 with existing legislation;

23 C. *Program Implementation:*

24 1. The following mechanisms shall be authorized and utilized to  
25 facilitate program implementation: classification and designation  
26 of non-indigenous species; regulatory and rule-making

1 provisions; monitoring mechanisms; research projects; permit  
2 and inspection procedures; enforcement and penalty stipulations;  
3 information and education activities; funding mechanisms;  
4 restoration of native species and habitat; regulation of biological  
5 control agents; incentives for private landowners; and emergency  
6 action protocols;

7 2. The Secretary is authorized to utilize the following detection and  
8 enforcement mechanisms: seizure, quarantine, and disposal of  
9 prohibited, restricted, and unlisted species. The Secretary is  
10 authorized only in the case of emergency to bypass notice  
11 periods for entering private lands;

12 3. The Secretary is authorized to routinely and systematically  
13 survey private and public lands for the presence of  
14 non-indigenous species and to map non-indigenous species  
15 locations and those areas particularly at risk for non-indigenous  
16 species;

17 D. Regional Office Duties.

18 1. Each DENR Regional Office whose actions may affect the status  
19 of harmful non-indigenous species shall, to the extent practicable  
20 and permitted by law:

21 a. identify such actions;

22 b. subject to the availability of appropriations, and within  
23 DENR budgetary limits, use relevant programs and  
24 authorities to:

25 i. prevent the introduction of harmful non-indigenous  
26 species;



- 1 ii. detect and respond rapidly to and control
- 2 populations of such species in a cost-effective and
- 3 environmentally sound manner;
- 4 iii. monitor non-indigenous species populations
- 5 accurately and reliably;
- 6 iv. provide for restoration of native species and habitat
- 7 conditions in ecosystems that have been invaded;
- 8 v. conduct research on non-indigenous species and
- 9 develop technologies to prevent introduction and
- 10 provide for environmentally sound control of
- 11 harmful non-indigenous species; and
- 12 vi. promote public education on harmful non-
- 13 indigenous species and the means to address them;
- 14 and

15 c. *not authorize, fund, or carry out actions that it believes are*

16 *likely to cause or promote the introduction or spread of*

17 *harmful non-indigenous species in the country unless,*

18 *pursuant to guidelines that it has prescribed, the agency*

19 *has determined and made public its determination that the*

20 *benefits of such actions clearly outweigh the potential*

21 *harm caused by invasive species; and that all feasible and*

22 *prudent measures to minimize risk of harm will be taken*

23 *in conjunction with the actions;*

24 E. Annual report. By January 15 each year, the Secretary shall submit a

25 report on harmful non-indigenous species to the legislative committees

1 having jurisdiction over environmental and natural resource issues. The  
2 report must include:

- 3 1. Detailed information on expenditures for administration,  
4 education, management, inspections, and research;
- 5 2. Detailed information on the loss of state resources due to harmful  
6 non-indigenous species;
- 7 3. An analysis of the effectiveness of management activities  
8 conducted in the state, including but not limited to chemical and  
9 biological control, harvesting, takings, educational efforts,  
10 inspections, and enforcement actions;
- 11 4. Information on the participation of stakeholders in control  
12 efforts;
- 13 5. Information on management efforts in other states;
- 14 6. Information on the progress made in the control of each listed  
15 species; and
- 16 7. An assessment of future management needs.

17 SECTION 4. *Classification and designation of non-indigenous species.* –

18 A. Classes. The Secretary shall, as provided in this Act, classify  
19 non-indigenous species according to the following categories:

- 20 1. Prohibited non-indigenous species, which may not be possessed,  
21 imported, purchased, sold, propagated, transported, or introduced  
22 except as provided in Section 4;
- 23 2. Restricted non-indigenous species, which may not be introduced  
24 except as provided in Section 5; and
- 25 3. Unrestricted non-indigenous species, which are not subject to  
26 regulation under this Act;

1 B. Criteria. The Secretary shall use the best available science and shall  
2 consider the following criteria in classifying species under this Act:

- 3 1. Whether a species is native or non-indigenous;
- 4 2. The likelihood that the species, upon introduction, will survive,  
5 naturalize, and spread to other land areas, wetlands, or waters of  
6 the state;
- 7 3. The magnitude of adverse impacts of the species on native  
8 species and ecosystems on the environment and uses of natural  
9 resources in the state, including the following: the health and  
10 population stability of native species, the natural ecosystem and  
11 long-term genetic integrity of native species, human health,  
12 recreation, commercial enterprises, industrial land and water  
13 users, and other appropriate user groups;
- 14 4. The technical and economic feasibility of eradicating or  
15 controlling the spread of the species once it is introduced in the  
16 state;
- 17 5. Whether the species carries any known diseases, parasites or any  
18 non-indigenous species or other viable biological materials; and
- 19 6. Other criteria the Secretary deems appropriate;
- 20 7. Biological control agents are equally subject to classification,  
21 although the Secretary may consider their utility in controlling  
22 other non-indigenous species;

23 C. The Listing Process.

- 24 1. A technical advisory committee, appointed by the Secretary,  
25 shall be formed to assist and make recommendations to the

1 Secretary as to the listing of non-indigenous species according to  
2 the classifications above;

3 2. The list of classified non-indigenous species will include both  
4 common and scientific names, and authority and source of  
5 nomenclature;

6 3. The list of classified non-indigenous species shall be publicized  
7 among appropriate target groups within the state through the  
8 register, record, and other mechanisms. The list shall be available  
9 for public comment for a period of thirty days prior to the  
10 Secretary's approval. The Secretary shall consider public  
11 comments before final approval of the list of classified  
12 non-indigenous species;

13 4. The list of classified non-indigenous species shall be updated  
14 annually and as the Secretary sees fit according to the criteria in  
15 this Section;

16 5. Any person may petition the Secretary to add or change the  
17 classification of listed species;

18 a. In the case of a petition submitted under this Section, the  
19 Secretary shall act on the petition within a reasonable time  
20 and notify the petitioner of the final action the Secretary  
21 takes on the petition. The Secretary's determination on the  
22 petition shall be based on the listing criteria in 3 (B) and  
23 the listing procedure outlined in Section 3 (C)(1)-(3).

1           SECTION 5. *Prohibited harmful non-indigenous species.*-

2           A. Prohibited activities. A person may not possess, import, purchase, sell,  
3           propagate, transport, or introduce a prohibited species, except:

- 4           1. Under a permit issued by the Secretary under Section 7;
- 5           2. When being transported to the Department, or another  
6           destination as the Secretary may direct, in a sealed container for  
7           purposes of identifying the species or reporting the presence of  
8           the species;
- 9           3. When being transported for disposal as part of a harvest or  
10          control activity under a permit issued by the Secretary pursuant  
11          to Section 7 or as specified by the Secretary;
- 12          4. When the specimen has been lawfully acquired dead and, in the  
13          case of plant species, all seeds are removed or are otherwise  
14          secured in a sealed container;
- 15          5. In the form of herbaria or other preserved specimens;
- 16          6. As the Secretary may otherwise prescribe by rule;

17          B. Seizure. The Secretary may order the seizure or disposal of all  
18          specimens of prohibited non-indigenous species unlawfully possessed,  
19          imported, purchased, sold, propagated, transported, or introduced in the  
20          country.

21           SECTION 6. *Restricted and unrestricted non-indigenous species.* –

22           A. Permitted Activities: Restricted species are legal to import, transport,  
23           purchase, possess, propagate, and sell unless restricted by the species'  
24           regulations pursuant to Section 7;

1 B. Prohibited Activities: It is illegal to introduce into waters, wetlands,  
2 and land areas of the state a restricted species without a permit issued  
3 by the Secretary;

4 C. Unrestricted non-indigenous species refers to those species that have  
5 been evaluated as relatively harmless and therefore do not require any  
6 regulation or permitting for beneficial uses or under other  
7 circumstances.

8 SECTION 7. *Unlisted non-indigenous species.* –

9 A. Those species that have not been classified as prohibited, restricted, or  
10 unrestricted will be considered as unlisted non-indigenous species;

11 B. Prohibited Activities: It is illegal to import, transport, purchase,  
12 possess, propagate, sell in the state, or introduce into waters, wetlands,  
13 and land areas of the state any unlisted non-indigenous species;

14 C. Application process for the classification and proposed use of the  
15 unlisted species: A permit application form as prescribed by the  
16 Secretary must be submitted regarding the proposed use of the unlisted  
17 species involving its import, transport, purchase, possession,  
18 propagation, sale in the state, or introduction into waters, wetlands, and  
19 land areas of the state. The applicant must present the best available  
20 scientific information on the unlisted species to support a sound  
21 management decision regarding its classification and proposed use;

22 D. Classification and Review Process: The Secretary will make the final  
23 decision regarding the classification and proposed use of the unlisted  
24 species based on the following sources of information:

25 1. Application of the criteria listed in Section 3 (B) and the listing  
26 process in Section 3 (C)(1)-(3);

1                   2. A review of the application for the proposed use of the unlisted  
2                   species; and

3                   3. Technical advisory committee recommendations;

4           E. For those species for which the technical advisory committee or the  
5           Secretary determine that the best available science is inadequate to  
6           make a sound decision regarding classification and proposed use of the  
7           unlisted species, the unlisted species shall remain an unlisted species  
8           pending further information;

9           F. Notification: The applicant will be notified of the Secretary's final  
10           decision regarding the proposed use of the unlisted species.

11           SECTION 8. *Permits.* —

12           A. Prohibited non-indigenous species. The Secretary may issue a permit  
13           for the propagation, possession, importation, purchase, or transport of a  
14           prohibited non-indigenous species for the purposes of disposal, control,  
15           research, or education;

16           B. Restricted non-indigenous species. The Secretary may issue a permit  
17           for the introduction of a restricted non-indigenous species;

18           C. Standard. The Secretary may issue a permit under this Section only if  
19           the Secretary determines that the permitted activity would not pose an  
20           unreasonable risk of harm to native ecosystems or natural resources or  
21           their use in the state. The Secretary may deny, issue with conditions,  
22           modify, or revoke a permit under this Section as necessary to ensure  
23           that the proposed activity will not pose an unreasonable risk of harm to  
24           the native ecosystem or the natural resources or their use in the state;

25           D. Appeal of permit decision. A permit decision may be appealed as a  
26           contested case under this act.

1 SECTION 9. *Rules.*-

2 A. Required rules. The Secretary shall adopt rules:

3 1. Designating prohibited, restricted, and unrestricted non-  
4 indigenous species; and

5 2. Governing the application for and issuance of permits under this  
6 Act, which may include a fee schedule.

7 B. Authorized rules. The Secretary may adopt rules regulating the  
8 possession, importation, purchase, sale, propagation, transport, and  
9 introduction of non-indigenous species;

10 C. Expedited rules. The Secretary may adopt rules on an expedited basis  
11 in accordance with the needs outlined in Section 9 (A).

12 SECTION 10. *Emergency Action Protocol.* –

13 A. Emergency Action Plan: The Secretary shall develop an emergency  
14 action plan and have the authority to implement the plan in case the  
15 sighting or emergence of a new non-indigenous species or the impact  
16 of an existing species necessitates such action. To the extent possible,  
17 the development and applicability of each state emergency action plan  
18 should be coordinated with other affected regions, provinces,  
19 municipalities, and other localities;

20 B. Protocol for the unintentional introduction of a non-indigenous  
21 species: A person who allows or causes the introduction of a non-  
22 indigenous species that is prohibited or unlisted shall notify the  
23 Secretary or other appropriate management authority within 48 hours  
24 after learning of the escape. The person shall make every reasonable  
25 attempt to recapture or contain the introduced species;



1 C. A person who does not comply with this Section is subject to penalties  
2 specified in Section 11 (B)(6) Civil Penalties.

3 SECTION 11. *Enforcement; Penalties.* –

4 A. Enforcement authority: The provisions adopted in this legislation will  
5 be enforced based on the authority established in Section 3 and  
6 implemented by DENR Regional Directors;

7 B. Civil penalties: A person shall be issued a warning or assessed a civil  
8 penalty if engaging in conduct that violates regulatory provisions in the  
9 following Sections:

- 10 1. Section 4. Prohibited harmful non-indigenous species;
- 11 2. Section 5. Restricted and unrestricted non-indigenous species;
- 12 3. Section 6. Unlisted non-indigenous species;
- 13 4. Section 7. Permits;
- 14 5. Section 8. Rules; and
- 15 6. Failure to comply with the protocol for the escape of  
16 non-indigenous species as specified in Section 9;

17 C. Criminal penalties: A person shall be assessed a criminal penalty if  
18 engaging in the following acts of conduct:

- 19 1. Violation of provisions pertaining to prohibited non-indigenous  
20 species, as specified in Section 4 (A);
- 21 2. Noncompliance with permit requirements pertaining to use of  
22 prohibited non-indigenous species, as specified in Section 7 (A);
- 23 3. Violation of provisions pertaining to restricted species as  
24 specified in Section 5 (B);
- 25 4. Violation of provisions pertaining to unlisted non-indigenous  
26 species as specified in Section 6 (B);

- 1                   5. Refusal to obey enforcement requirements for inspection
- 2                   operations as established by the Secretary pursuant to Section 2
- 3                   (C)( I) Program Implementation;
- 4                   6. Subsequent offenses in violation of any provision of this
- 5                   legislation; and
- 6                   7. Violations involving permit revocation orders or failure to pay
- 7                   fines pursuant to Section 10 (B) Civil Penalties.

8           SECTION 12. *Appropriations.* – The amount necessary to carry out the provisions  
9 of this Act shall be included in the budget of concerned government agencies in the  
10 General Appropriations Act of the year following its enactment into law and thereafter.

11           SECTION 13. *Separability Clause.* – If any provision of this Act is held invalid or  
12 unconstitutional, the same shall not affect the validity and effectivity of the other  
13 provisions hereof.

14           SECTION 14. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
15 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
16 repealed, amended or modified accordingly.

17           SECTION 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
18 after its publication in the *Official Gazette* or in two (2) newspapers of general  
19 circulation.

Approved,

/aml 4June 2015