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REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

SENATE

S. No. 901

'19 AUG 13 P 1:12

Introduced by Senator Manuel "Lito" M. Lapid

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

EXPLANATORY NOTE

Section 16, Article II of the 1987 Constitution provide⁹ 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.

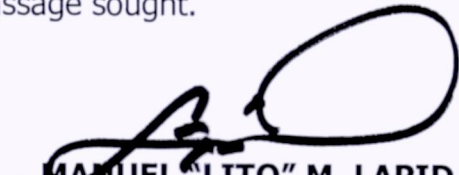
Deforestation, hunting, and a lack of wildlife management has led to the Philippines being described not just as a conservation 'hotspot' - an area of concern - but the 'hottest of the hotspots'. Many conservationists warn that the Philippines is on the

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.

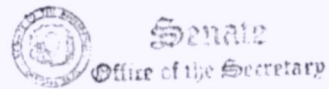
This proposed measure seeks to establish an "Adopt-a-Wildlife Species Program" which shall be implemented in all appropriate areas of the country with the active participation, involvement, and assistance of the local government units ("LGUs"), non-governmental organizations ("NGOs"), people's organizations ("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 sought.



MANUEL "LITO" M. LAPID
Senator

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**AN ACT
ESTABLISHING AN "ADOPT-A-WILDLIFE SPECIES PROGRAMS",
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".

3

4 Sec. 2. *Declaration of Policy.* — The State is mandated under Section 16, Article
5 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
7 this end, it is the policy of the State, as declared under Republic Act No. 9147, to
8 conserve the country's wildlife resources and their habitats for sustainability by: (a)
9 conserving and protecting wildlife species and their habitat to promote ecological
10 balance and enhance biological diversity; (b) regulating the collection and trade of
11 wildlife; (c) pursuing with due regard to the national interest the Philippine
12 commitment to international conventions on the protection of wildlife and their
13 habitats; and (d) initiating or supporting scientific studies on the conservation of
14 biological diversity.

15

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

5
6 *Sec. 3. Adopt-a-Wildlife Species Program.* — Pursuant to the aforesaid national
7 policy, there is hereby established an "Adopt-a-Wildlife Species Program" which shall
8 be implemented in all appropriate areas of the country with the active participation,
9 involvement and assistance of the local government units ("LGUs"), non-governmental
10 organizations ("NGOs"), people's organizations ("POs"), civil society groups and
11 private individuals.

12 The program shall have the following objectives:

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

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

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

19
20 *SEC. 4. Memorandum of Agreement ("MOA").* — A Memorandum of Agreement
21 ("MOA") stipulating the terms and conditions for the adoption of a wildlife species shall
22 be executed by and between the adopting entity or individual and the government
23 agency that has jurisdiction over the selected wildlife species in accordance with
24 Republic Act No. 9147; whether it be the Secretary of the Department of Environment
25 and Natural Resources ("DENR"), the Secretary of the Department of Agriculture
26 ("DA"), the Chairman of the Palawan Council for Sustainable Development ("PCSD"),
27 or their duly authorized representatives.

28
29 In the preparation of the MOA and in negotiating the terms and conditions
30 thereof, the contracting parties shall consider the following:

31 (a) Application of the most efficient and effective use of available resources for
32 the conservation and protection of a threatened species and/or its habitat;

- 1 (b) Minimization of adverse social and economic consequences;
- 2 (c) Integration of measures by which the public may participate in the
- 3 conservation process;
- 4 (d) Consultation with indigenous peoples with special knowledge or interest
- 5 pertaining to the species and habitat concerned; and
- 6 (e) Consultation with and securing assistance from experts and professionals.

7

8 The MOA shall among others:

- 9 (a) Identify the threatened species and/or habitat covered by the program;
- 10 (b) Identify processes that threaten the species and/or habitat concerned;
- 11 (c) Specify measures to be undertaken to ensure the conservation and
- 12 protection of the threatened species and/or habitat;
- 13 (d) Enumerate performance indicators for the evaluation of conservation and
- 14 protection measures; and
- 15 (e) Identify private and public sectors participants who shall be involved in the
- 16 implementation of the MOA.

17

18 The MOA shall be effective for at least two (2) years, which may be extended

19 upon mutual agreement of the parties: *Provided*, That such period may be shortened

20 in the event of dissolution of the adopting entity or death of the adopting individual,

21 absent any willing and qualified successor, unless the MOA is earlier terminated in

22 accordance with Section 7 hereunder.

23

24 SEC. 5. *Assignment of the MOA.* Should the adopting entity or individual assign

25 the implementation of the program to another qualified entity or individual, such

26 assignment shall be made in writing and shall be subject to the approval of the head

27 of the government agency concerned or his/her duly authorized representative.

28

29 SEC. 6. *National Technical Committee and Regional Monitoring Committee.* —

30 The Secretary of the DENR, the Secretary of the DA, and the Chairman of the PCSD

31 shall establish in their respective agencies the following committees:

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

9 (b) A Regional Monitoring Committee ("RMC") composed of ranking PCSD
10 officials from the regional down to the provincial and municipal/community levels
11 which shall conduct periodic monitoring, review, and evaluation of the performance of
12 the adopting entity or individual. The results of the RMC's periodic evaluation shall be
13 the basis for the assessment of the adopting entity's or individual's application for tax
14 credits and incentives. It shall also be the basis for determining the appropriateness
15 of pre-termination of the MOA.

16
17 *SEC. 7. Pre-termination of the MOA.* — Nothing herein shall prevent the pre-
18 termination of the MOA should the RMC deem it appropriate, such as in the case of
19 abandonment by or insolvency of the adopting entity or individual or in the case of its
20 non-compliance with obligations as determined in this Act.

21
22 *SEC. 8. Obligations of the Adopting Entity or Individual.* — The following shall
23 be the obligations of the adopting entity or individual:

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

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

29
30 *SEC. 9. Tax Exemption and Incentives.* — Any donation, contribution, bequest
31 or grant which shall be made to the "Adopt-a-Wildlife Species Program" under the
32 DENR, the DA and the PCSD shall be exempt from donor's tax and the same shall be

1 considered as an allowable deduction from the gross income of the donor agency for
2 purposes of paying the donor agency's income tax, in accordance with the provisions
3 of the National Internal Revenue Code of 1997, as amended.

4
5 SEC. 10. *Implementing Rules and Regulations.* — The Secretary of the DENR,
6 the Secretary of the DA and the Chairman of the PCSD, or their duly authorized
7 representatives, shall, in consultation with the Department of Finance (DOF), jointly
8 formulate the rules and regulations to implement the relevant provisions of this Act.

9
10 SEC. 11. *Appropriations.* — The amount necessary for the initial implementation
11 of this Act shall be charged against the current year's appropriations of the DENR, the
12 DA and the PCSD. Thereafter, such amounts as may be necessary for its continued
13 implementation shall be included in the annual General Appropriations Act.

14
15 SEC. 12. *Separability Clause.* — If any part or provision of this Act shall be held
16 unconstitutional or invalid, the validity of the other provisions hereof which are not
17 affected thereby shall continue to be in full force and effect.

18
19 SEC. 13. *Repealing Clause.* — All laws, presidential decrees, executive orders,
20 rules, and regulations or parts thereof which are inconsistent with the provisions of
21 this Act are hereby repealed or modified accordingly.

22
23 SEC. 14. *Effectivity.* — This Act shall take effect fifteen (15) days after its
24 publication in the Official Gazette or in at least two (2) newspapers of general
25 circulation.

26
27 *Approved,*
28