

AN ACT TO AMEND CERTAIN SECTIONS OF ACT NUMBERED TWENTY-FIVE HUNDRED AND NINETY, ENTITLED "AN ACT FOR WE PROTECTION OF GAME AND FISH."

Commonwealth Act No. 491, June 18, 1939

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Be it enacted by the National Assembly of the Philippines:

Sec. 1. Sections one, two, three, five, eight, fourteen, and sixteen of Act Numbered Twenty-five hundred and ninety are amended to read as follows;

"Section 1. Except as in this Act provided, it shall be unlawful to hunt, wound, take, or kill, or have in his or her possession, living or dead, or to purchase, offer or expose for sale, transport, ship or export, alive or dead, any protected bird or mammal, or to sell or have in possession or sale any part of either. It shall likewise be unlawful for any person to take or will fully destroy the nest or eggs of any protected bird or to have such nest or eggs in his or her possession except as provided in section fourteen of this Act.

"Sec. 2. The term protected bird includes insect-eating birds, song birds, game birds, and generally all wild birds; Provided, however, That eagles, hawks, crows, house sparrows, herons, galangians, mayas and such other species as the Secretary of Agriculture and Commerce may determine, may be destroyed by property owners whenever they become injurious to their property; but the game birds contemplated in the next succeeding section shall be deemed to be 'protected' within the meaning of this Act, only during the continuance of the respective closed seasons established for them.

"Mammals shall be deemed to be 'protected' within the meaning of this Act, only during the continuance of the respective closed seasons established for them.

"Sec. 3. The Secretary of Agriculture and Commerce shall have authority subject to the approval of the President of the Philippines to establish a closed season for all or any of the game birds mentioned below or any other game bird, or birds, specified by him, to wit: the Indian dwarf goose, duck, rail, coot, mudhen, gallinule, plover, surf bird, snipe, woodcock, sand-piper, tattler, curlew and other shore birds, wild chicken, pheasant, quail, wild pigeon, doves of all classes, hornbill, mound builder, brush turkey, and other game birds.

"He may in like manner establish a closed season for deer, mouse deer, tamaraw, squirrel, lemur, or any other mammals, specified by him, except the wild pig which may be taken or killed as provided in section fourteen hereof."

"Sec. 5. The order creating a close season may be made applicable to the entire Philippines or to any specified province or other territorial division therein.

"For the protection and conservation of wild life and upon the recommendation of the director of the Bureau of Science, the Secretary of Agriculture and Commerce may set aside any area or areas of public land or public forest as game refuges and bird sanctuaries.

"All national parks, botanical gardens, public parks, public schools sites, public play grounds, Government experiment and breeding stations, Government seed farms, Government stock farms, public building sites, Government nurseries, communal forests, communal pastures, cemeteries, and all public lands and forests

within a radius of one kilometer from any Government rest house are declared game refuges and bird sanctuaries. It shall be unlawful for any person, to hunt, take, wound or kill, or in any manner disturb or drive away from the places mentioned above, any wild birds or animals, or take or destroy the nests or eggs of such birds in the said places.

"For similar reason, upon the recommendation of the Director of the Bureau of Science, the Secretary of Agriculture and Commerce, and when in his opinion and if circumstances warrant, may authorize by special licenses, with or without charge, the taking of the surplus game from a game refuge or bird sanctuary, its vicinity of other area, or to destroy at any time predatory, noxious or dangerous animals found therein, under such terms and conditions which shall be determined by him and specified in the regulations or included in the license that may be issued.

"The Secretary of Agriculture and Commerce is authorized to establish, equip, operate and maintain game farms and other game projects in such places in the Philippines as may be deemed appropriate and beneficial.

Sec. 8. It shall be unlawful for any person to take with firearms, air gun, or any other weapon or device game of any sort or protected wild birds or animals without having previously procured an appropriate hunting license, the fee for which shall be not less than two pesos nor more than twenty pesos.

"The fees provided in this section are due and payable on the date the hunting license is issued and on each anniversary thereof and failure to pay said fees within sixty days after they become due and payable shall render the person in arrears liable to a surcharge of twenty-five per centum of the regular fees unpaid.

"The fees authorized to be collected under this Act and accruing to the National Government shall be paid to the Collector of Internal Revenue or his deputies under such rules and regulations as said Collector may prescribe with the approval of the Secretaries of Finance and Agriculture and Commerce.

"A sum of twenty-five thousand pesos of the funds accruing to the Insular Government under the provisions of this Act shall be set aside annually to carry out the purposes of this Act.

"Said sum shall be included in the annual appropriation acts and shall be made available for the protection, conservation, and propagation of game birds, mammals, and other useful wild animals protected by law; for the establishment, protection, supervision, improvements, and maintenance of game refuges, bird sanctuaries, game farms, and other game projects; for the salaries, wages, and travelling expenses of the necessary personnel; for the purchase of the necessary supplies and equipment; and for such other expenditures as may be deemed necessary by the Secretary of Agriculture and Commerce to carry out properly and effectively the provisions of Act Numbered Twenty-five hundred and ninety, as amended.

"Sec. 14. Wild pigs may be taken or killed in any manner at any season of the year and without license; and monkeys, wild cats and other mammals not mentioned herein may be caught or destroyed by property owners at any time that such animals cause destruction to their property; and nothing in this Act shall be construed as to prohibit the catching, taking, selling or keeping for domestic pet such birds as the Secretary of Agriculture and Commerce may determine by order or to prevent the taking of edible birds' nests under license duly issued pursuant to the provisions of Act Numbered Thirty-three hundred and seventy-nine.

"Sec. 16. Members of the Non-Christian tribes in the provinces of Agusan, Bukidnon, Cotabato, Mountain Province, Palawan, and Lanao who are dependent upon the flesh of wild birds and mammals for their subsistence shall be authorized by special license, upon application addressed to the mayor of the municipality, municipal district or settlement, game warden, or such official as may be recommended to the Secretary of Agriculture and Commerce by the provincial or deputy governor wherein such persons reside, as the case may be, subject to such conditions as to mode of hunting, number, species, and sex of animals and otherwise as may be prescribed by the Secretary of Agriculture and Commerce or his duly authorized representative, to hunt and take game birds and mammals and to take bird eggs, in order to secure food for themselves and their families,

but no thing herein shall be construed to permit the hunting of game birds, and animals or bird eggs within a game refuge or bird sanctuary or the use of artificial lights for hunting game or birds, or to permit the sale during the closed season of the whole or any portion of the game taken or killed in accordance with this section: Provided, That as soon as the Secretary of the Interior shall certify that the majority of the Non-Christian inhabitants of a municipality, municipal district, or settlements have sufficiently advanced in civilization, then the Secretary of Agriculture and Commerce with the approval of the President of the Philippines, may declare that the general provisions of this Act. shall apply to such municipality, municipal district, or settlement wherein such Non-Christians reside."

Sec. 2. Section fifteen of Act Numbered Twenty-five hundred and ninety is repealed.

Sec. 3. This Act shall take effect on its approval.

Enacted, without Executive approval, June 18, 1939.

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