NATIONAL ADMINISTRATIVE REGISTER · JUNE 17, 2010

ESTABLISHING THE "ADOPT-A-WILDLIFE SPECIES PROGRAM" AND PROVIDING THE GUIDELINES GOVERNING THE IMPLEMENTATION THEREOF

DENR ADMINISTRATIVE ORDER NO. 2010-16, June 17, 2010

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Pursuant to the provisions of R.A. No. 9147, otherwise known as the Wildlife Resources Conservation and Protection Act, particularly on its avowed policy to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity, and in order to provide additional avenues for the Local Governmental Units (LGUs), the private sector, Non-Governmental Organizations (NGOs), Peoples' Organizations (POs), civil society groups and other interested individuals to participate in the governments' campaign to conserve biodiversity and prevent species extinction, the Adopt-A-Wildlife Species (AAWS) Program is hereby established and the following implementating guidelines are hereby promulgated for the information, guidance and compliance of all concerned.

Section 1. Title

This Administrative Order shall be known as the "Adopt-a-Wildlife Species programs of the DENR" and hereinafter referred to as the "AAWS Programs" or the "Program".

Section 2. Scope of Application

This Order applies to the Implementation of the AAWS Program in all terrestrial and wetland areas of the country specially involving wildlife species under the jurisdiction of the DENR as enumerated in the herein attached Program's List of Priority Threatened Species, which forms and integral part of this Order as [*]Annex "A"[*]. The list is based on the IUCN Red List, Convention on International Trade in Endangered Species of Flora and Fauna (CITES) list, and National Lists of Threatened Species covered by duly issued Administrative Orders.

The Program's list of priority threatened species shall be updated as necessary to include other wildlife species to be covered by Administrative Order/s that may hereafter be promulgated.

Section 3. Objectives

The Program aims to:

a. Ensure the perpetuity of threatened species and protection of their habitats in order to achieve downgrading of category or eventual removal from the threatened list;

b. Effectively conserve and protect threatened wildlife species and their habitats through the active participation of stakeholders to help promote biodiversity conservation and prevent species extinction;

c. Provide opportunities to private entities and individuals to assist the government in the enforcement of the Wildlife Act; and

d. Raise the level of awareness and stimulate public action in protecting the environment and conserving the country's biological resources.

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Section 4. Definition of Terms

As used in this Order, the following terms shall mean:

4.1 "Adopt-a-Wildlife Species Program" (AAWS Program) – a Program designed to strengthen partnership between the government and the private sector in—situ conservation of wildlife and recognize such contribution thru tax incentives as prescribed under Section 34 of RA 9147.

4.2 Adopting Entity/Individual – a private individual or entity that provides resources to support, or directly implement a wildlife conservation project or activity through the AAWS Program."

4.3 Certificate of Adoption – A document issued to an Adopting Entity/Individual by the DENR upon approval of the Memorandum of Agreement (MAO) entered into by and between said parties for in-situ conservation of a threatened wildlife species selected by the Adopting Entity/Individual under the AAWS Program. The document shall include the specific species adopted, specific location/habitat, project cost and duration.

4.4 Implementer – refers to a local agency, organization or entity duly established or registered under the law and commissioned by, or to whom a contribution has been made by, an Adopting Entity/Individual to directly implement wildlife conservation activities covered by the AAWS Program.

4.5 National Wildlife Management Committee (NWMC) – refers to the Committee at the national level created by the DENR in accordance with Section 3 of DENR Administrative Order (DAO) No. 2004-55 to provide technical and scientific advice to the agency in the implementation of the Program.

4.6 Regional Wildlife Management Committee (RWMC) – refers to the Committee created by the DENR Regional Offices in accordance with Section 3 of DAO 2004-55 to provide technical assistance and scientific advice in the implementation of the Program at the regional/field level.

Section 5. General Provisions/Guiding Principles

The Adopt-A-Wildlife Species Program shall be guided by the following provisions/principles:

5.1 Adoption of a wildlife species shall require the execution of an agreement specifically referred to herein as Memorandum of Agreement (MOA), by and between or among the DENR, through PAWB or concerned DENR Regional Office (see Section 7), the Adopting Entity/Individual, and/or the Implementer;

5.2 In availing of the AAWS Program, the Adopting Entity/Individual may support conservation projects through the following options:

a. Directly implement wildlife conservation project under the AAWS Programs;

b. Provide financial resources for, and commission to an Implementer, the implementation of its chosen conservation project; or

c. Make direct financial contribution to an existing wildlife species conservation program managed or duly recognized by the DENR, or to an entirely new conservation project that may qualify under the AAWS program.

5.3 Conservation projects under the AAWS Programs shall be accordance with the Framework for the Conservation of Philippine Threatened Species hereto attached as "Annex B"[*] and which forms part of this Order;

5.4 Specific projects of the Program may form part of existing Species Conservation Program/Plan or be an entirely new in-situ conservation project that may include a range of activities such as, but not limited to, research and monitoring, information, education and communication; habitat restoration; and enforcement as may be

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approved by the government agency concerned; and

5.5 The program shall give priority to the species listed in Annex A of this Order for adoption. However, the Adopting Entity/Individual may, for special valid reasons, adopt non-threatened species upon approval of the DENR, through the PAWB or concerned DENR Regional Office.

Section 6. Roles and Responsibilities

6.1 Lead DENR Offices- the PAWB and the DENR Regional Offices shall be responsible for the implementation of this Order. As such, the PAWB Director and the concerned Regional Executive Directors shall be accountable for the performance of the following functions and responsibilities:

a. Exercise supervision over AAWS projects being implemented with their respective areas of responsibility;
b. Promote and encourage private and business sectors to support the Programs, including public education, information dissemination and awareness campaigns;
c. Monitor and make available annual status report on the implementation of the AAWs projects within their respective areas of jurisdiction; and,
d. Perform such other functions towards the attainment of the objectives of this Order.

6.2 Role of Adopting Entity/Individual

a. Identify NGO/PO implementer/s, if applicable;
b. Provide resources and ensure the implementation of the project according to the approved proposal; and,
c. Perform all other responsibilities provided for in the MOA.

6.3 Role of the Implementer

a. Ensure that the project is implemented in accordance with the approved work plan, an integral part of the project proposal;
b. Submit, to the lead agency and the adopting entity or individual, semi-annual project accomplishment and progress reports;
c. Submit other project-related reports as may be indicated in the project MOA; and
d. Fully document project expenditures and attest to the fund transfer/donation made by the Adopting Entity/Individual to the project.

Section 7. Delineation of Authority to enter into MOA for AAWS Projects

For purposes of this Order, the following are authorized to enter into MOA for AAWS projects:

7.1 DENR Regional Executive Directors (RED) for AAWS projects that would be implemented within their respective areas of jurisdiction. Provided, that the concerned RED shall submit to the Secretary, copy furnished PAWD, the following:

7.1.1 A copy of the MOA within fifteen (15) days upon signing thereof;
7.1.2 Semi-annual reports on the status of project implementation; and
7.1.3 Project terminal report, including recommendations within thirty (30) days upon completion of the project.

7.2 The Secretary shall sign the MOA for AAWS Projects that will cover more than one (1) political region or which implementation shall be national in scope. In such cases, the evaluation of applications and preparation of the corresponding MOA shall be responsibility of PAWB, in addition to the duties enumerated under Section 6.1 and subject to the following:

7.2.1 The concerned DENR Regional Offices shall be consulted prior to the processing of the MOA;

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7.2.2 PAWB shall provide the concerned Regional Office/s copy of the approved MOA immediately upon signing by the Secretary thereof;
7.2.3 PAB shall ensure that financial contribution for the implementation of project activities at the regional/field level is directly remitted by the Adopting Entity/Individual to the project implementer at said level. Provided, that funds for project monitoring and evaluation by PAWB shall be held in trust by the implementer;
7.2.4 The concerned DENR Regional Offices shall regularly submit to the Secretary, copy furnished PAWB, semi-annual project status reports. The PAWB shall regularly submit semi-annual consolidated project reports;

Section 8. Requirements and Procedures

Any Adopting Entity/Individual who may wish to avail of the AAWS program shall execute a MOA (Format presented in Annex "C"[*]) with the concerned DENR Office and as appropriate, with the implement(s), and shall comply with the following requirements and procedures:

8.1 Documentary requirements fot the processing of a MOA

a. Letter of intent
b. Project proposal following the prescribed format (Annex "D"[*]) outlining the detailed program of activities pursuant to Species Management and Conservation Plan (if applicable) or the Philippine Threatened Species Conservation Framework: timetable of implementation, and project monitoring and evaluation schemes;
c. Letter of support from concerned sectors (e.g. Protected Area Management Board, Indigenous People and Cultural Communities, Local Government Unit, as the case may be)
d. Organizational profile of the adopting entity or Curriculum Vitae in the case of individuals

8.2 Procedures in the processing of a MOA

a. The Adopting Entity/Individual submits to the concerned DENR office the documentary requirements enumerated in Section 8.1hereof;
b. If the documentary requirements are found in order, the concerned DENR office facilitates the review of the application by the National Wildlife Management Committee (NWMC) or Regional Wildlife Management Committee (RWMC), as the case may be. In case of lacking documents, the concerned office informs the applicant accordingly.
c. Upon favorable recommendation of the NWMC or RWMC, the concerned DENR office processes and approves the corresponding Memorandum of Agreement (MOA);
d. Upon approval of the MOA, the Adopting Entity/Individual proceeds with the implementation of the project, in collaboration with its Implementer, as the case may be;
e. In case of unfavorable recommendation of the NWMC/RWMC/WSC, the concerned DENR office informs the applicant of the reasons(s) for denying his/her/its application. The applicant may resubmit his/her/its application upon compliance with all the documentary requirements and after addressing the concerns of the NWMC/RWMC/WSC. The resubmitted application will again undergo the procedures provided above.

Section 9. Issuance of Certificate of Adoption

The PAWD Director/RED shall issue a certificate of Adoption (format presented in Annex E[*]) to the Adopting Entity/Individual upon approval of the MOA. The certificate shall include information as to the specific species adopted, specific habitat/location of the project, project cost and duration. It shall be co-terminus with the MOA.

Any violation or non-compliance of any of the terms and conditions stipulated in the MOA shall serve as ground or cancellation of the certificate after due process.

Section 10. Transfer and Management of Project Funds

The transfer and management of funds for a project/activity under the AAWS Program shall be governed by the following:

10.1 The transfer of financial contribution from the Adopting Entity/Individual to the Implementer shall be made through a Deed of Donation duly attested by the concerned DENR office. The Implementer shall:

a. Issue an acknowledgement receipt or certification immediately upon receipt of the funds from the Adopting Entity/Individual;
b. Maintain a project account which shall be subject to verification anytime by an appropriate officer assigned by the lead agency;
c. Maintain a record of project fund disbursements which shall be available for verification by the Adopting Entity/Individual and the concerned DENR office anytime;
d. Submit monthly fund utilization reports to the Adopting Entity/Individual, copy furnished the concerned DENR office.

10.2 The concerned DENR office shall, upon verification as to the correctness of fund disbursements and utilization by the Implementer, issue to the Adopting Entity/Individual an annual Certificate of Actual Financial Contribution;

10.3 In case the Adopting Entity/Individual would like to avail of tax exemptions as provided in Section 12 hereof, it/he shall present to the Bureau of Internal Revenue (BIR), the Deed of Donation, Certificate of Actual Financial Contribution and other documentary requirements that the BIR may impose in accordance with the Revised Internal Revenue Code of the Philippines or Republic Act 8424.

The PAWB shall, within thirty (30) days upon approval of this Order, develop and disseminate the formats for Deed of Donation and Certificate of Actual Financial Contribution for reference and guidance by all concerned.

Section 11. Project Monitoring and Evaluation Teams

A Project Monitoring and Evaluation Team (PMET) shall be created by PAWB and DENR Regional Offices on a per project basis. The PMET shall be tasked to conduct periodic monitoring and evaluation of a particular project under their respective jurisdiction. Expenses for project monitoring and evaluation shall form part of the project costs.

The PAWB Director and the Regional Executive Directors shall determine the composition of the PMET based on expertise required per project. The PMET shall have a representative from each of the concerned LGU, conservation-oriented local NGO/PO, and the Academe.

The PMET shall submit their monitoring and evaluation report, including recommendations to the PAWB Director or RED, as the case may be.

The results of project monitoring and evaluation shall serve as basis in determining whether the Adopting Entity/Individual can, in addition to tax exemptions provided in Section 12 hereof, be entitled to certain incentives or awards as provided in Section 13 hereof.

Section 12. Tax Incentives

The Adopting Entities/Individuals shall be entitled to tax exemptions as a consequence of their donation, contribution, bequest, subsidy or financial aid for the conservation and protection of wildlife resources and their habitats as contemplated in Section 34 of R.A. 9147. These tax exemptions shall be in the form of allowable deduction from the taxable income of the Adopting Entity/Individual and exemption from donor’s tax in accordance with Republic Act 8424.

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Section 13. Additional Incentives and Awards

To attract and encourage wider participation from the various sectors of society, additional incentives and awards may be provided by the government to deserving Program participants.

The DENR-Human Resources Development Service, in coordination with PAWB and other concerned entities shall develop the incentive/awards system in recognition of outstanding program participant.

Section 14. Effectivity

This Order shall take effect fifteen (15) days after publication in a newspaper of national circulation.

(SGD.) HORACIO C. RAMOS
Secretary

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[*]Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman,Quezon City.

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