JOINT IMPLEMENTING RULES AND REGULATIONS (IRR) PURSUANT TO REPUBLIC ACT NO. 9147: “AN ACT PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES AND THEIR HABITATS,...

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This Joint Administrative Order shall be known as the Implementing Rules and Regulations (IRR) of Republic Act 9147 otherwise known as the Wildlife Resources Conservation and Protection Act of 2001.

Chapter 1
General Provisions

SECTION 1. Title - This Act shall be known as the "Wildlife Resources Conservation and Protection Act."

Rule 1.1 This IRR is hereby promulgated to prescribe the procedures and guidelines for the implementation of the Wildlife Resources Conservation and Protection Act.

SECTION 2. Declaration of Policy - It shall be the policy of the State to conserve the country's wildlife resources and their habitats for sustainability. In the pursuit of this policy, this Act shall have the following objectives:

a. to conserve and protect wildlife species and other habitats to promote ecological balance and enhance biological diversity;

b. to regulate the collection and trade of wildlife;

c. to pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and habitats; and

d. to initiate or support studies on the conservation of biological diversity.

SECTION 3. Scope of Application - The provisions of this Act shall be enforceable for all wildlife species found in all areas of the country, including protected areas under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act, and critical habitats. This Act shall also apply to exotic species which are subject to trade, are cultured, maintained and/or bred in captivity or propagated in the country.

Rule 3.1 The provisions of this Order shall apply to all wildlife species found in the country, and unknown genera or unknown species or strains of known species that will later on be discovered or identified as occurring in the country.

Rule 3.2 Exotic or foreign species as defined in this Order, which are subject to trade, are maintained, cultured and/or bred in captivity or propagated in the country, including those that have been illegally introduced are also covered by this Order.

Rule 3.3 Domesticated or propagated species, such as, but not limited to livestock, poultry and common ornamental plants as determined by the DENR and DA upon the recommendation of the National Wildlife Management Committee created under Rule 6.1 hereof are excluded from the coverage of this Order and shall

continue to be covered by existing rules and regulations of the Bureau of Animal Industry (BAI), Bureau of Plant Industry (BPI) and Bureau of Fisheries and Aquatic Resources (BFAR) of the DA on said species. However, the collection of wild forms of these species shall be regulated by the DENR or DA, as the case may be.

Provided however, that, species listed in the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), such as, but not limited to ostrich (Struthio camelus), Philippine deer (Cervus mariannus), Saltwater Crocodile (Crocodylus porosus), and Orchids (Orchidaceae spp) which may be or are being farmed or propagated shall be subject to requirements as may be imposed by the DENR.

Rule 3.4 This Order shall be supplementary to the provisions of R.A 9072 (National Caves and Cave Resources Management and Protection Act) and its Implementing Rules and Regulations. Provided that, in case of conflict, the provisions of this Order and subsequent issuances pursuant to R.A. 9147 shall prevail.

SECTION 4. Jurisdiction of the Department of Environment and Natural Resources and the Department of Agriculture - The Department of Environment and Natural Resources (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species including but not limited to crocodiles, waterbirds and all amphibians and dugong. The Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources, including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong. The Secretaries of the DENR and the DA shall review, and by joint administrative order, revise and regularly update the list of species under their respective jurisdiction. In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

Rule 4.1 The preliminary list of wetland and aquatic species under the respective jurisdiction of the DENR and the DA is contained in "Annex A"[*] hereof, which forms an integral part of this Order. The list shall be regularly reviewed and updated by the two Departments through the issuance of a joint administrative order.

Rule 4.2 The Palawan Council for Sustainable Development (PCSD) pursuant to RA No. 7611 (Strategic Environmental Plan (SEP) for Palawan Act) and Section 4 of RA 9147, shall exercise jurisdiction over all wildlife species found in the Province of Palawan, in accordance with the paramount objectives stated in RA 7611 to conserve the species and their habitats consistent with existing national policies on wildlife conservation, management and utilization such as, but not limited to, RA 8550 or the 1998 Philippine Fisheries Code, RA 8485 or the 1998 Animal Welfare Act, and RA 7586 or the 1992 NIPAS Act.

Rule 4.3 All existing DENR wildlife conservation projects of national concern/significance located in Palawan, such as but not limited to the Palawan Wildlife Rescue and Conservation Center (PWRCC, formerly Crocodile Farming Institute) and the Philippine Cockatoo Conservation Program (PCCP) shall continue to be under the management and jurisdiction of the DENR.

Rule 4.4 Mangrove areas in Palawan released for fishpond purposes prior to the issuance of Presidential Proclamation No. 2152, covered by Fishpond Lease Agreements and already fully developed into fishponds shall continue to be under the management and jurisdiction of the Bureau of Fisheries and Aquatic Resources. The DA shall still engage in activities related to food production, as mandated by RA 8435 or the Agriculture and Fisheries Modernization Act, in Palawan to attain the objectives of food security and increased income.'

Rule 4.5 The DENR and DA shall coordinate with PCSD in the implementation of the activities mentioned in Rules 4.3 and 4.4

Rule 4.6 The management of wildlife resources found within protected areas shall be governed by RA 7586 (NIPAS Act); Provided, that the use for scientific and/or commercial purposes, where appropriate, of aquatic and

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marine resources within protected areas listed under the jurisdiction of DA shall be governed by RA 9147 (Wildlife Act) and RA 8550 (Fisheries Code), as the case may be.

Rule 4.7 The utilization of wildlife resources found within ancestral domains/ancestral lands shall be subject to the issuance of a Free and Prior Informed Consent pursuant to the RA 8371 (Indigenous Peoples Rights Act of 1997 or IPRA).

Rule 4.8 Wildlife species found in coastal areas shall be managed by the DA, DENR, or for the province of Palawan, PCSD in coordination with the local government units using an integrated and coordinated approach. These agencies and the local government units (LGUs) shall ensure that their respective mandates and activities complement each other.

Rule 4.9 The Secretary or the Council may enter into a Memorandum of Agreement (MOA) with other government agencies/bodies/academic institutions, which by special law have management jurisdiction/control over certain wildlife species/habitats or are mandated to conduct scientific researches on wildlife.

Chapter II
Definition of Terms

SECTION 5. Definition of Terms - As used in RA 9147 and this Order, the term:

a. "Bioprospecting" means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

b. "By-product or derivatives" refer to any part taken or substance extracted from wildlife, in raw or processed form, which include stuffed animals and herbarium specimens;

c. "Captive-breeding/culture or propagation" is the process of producing individuals under controlled conditions or with human interventions;

d. "Collection or collecting" is the act of gathering or harvesting wildlife, its by-products or derivatives;

e. "Conservation" means preservation and sustainable utilization of wildlife and or maintenance, restoration and enhancement of the habitat;

f. "Critically endangered species" refers to a species of subspecies that is facing extremely high risk of extinction in the wild in the immediate future;

g. "Economically important species" means species which have actual or potential value in trade or utilization for commercial purpose;

h. "Endangered species" refers to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;

i. "Endemic species" means species or subspecies which is naturally occurring and found only within specific areas in the country;

j. "Exotic species" means species or subspecies which do not naturally occur in the country;

k. "Export permit" refers to a permit authorizing an individual to bring out wildlife from the Philippines to any other country;

l. "Gratuitous permit" means permit issued to any individual or entity engaged in noncommercial scientific or educational undertaking to collect wildlife;

m. "Habitat" means a place or environment where a species or subspecies naturally occur or has naturally

established its population;

n. "Import permit" refers to a permit authorizing an individual to bring in wildlife from another country;

o. "Indigenous wildlife" means species or subspecies of wildlife naturally occurring or has naturally established population in the country;

p. "Introduction" means bringing species into the wild that is outside its natural habitat;

q. "Re-export permit" refers to a permit authorizing an individual to bring out of the country a previously imported wildlife;

r. "Secretary" means either or both the Secretary of the Department of Environment and Natural Resources and the Secretary of the Department of Agriculture;

s. "Threatened species" a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of estimation;

t. "Trade" means the act of engaging in the exchange, exportation or importation, purchase or sale of wildlife, their derivatives or by products, locally or internationally;

u. "Traditional use" means utilization of wildlife by indigenous people in accordance with written or unwritten rules, usage, customs and practices traditionally observed, accepted and recognized by them;

v. "Transport permit" means a permit issued authorizing an individual to bring wildlife from one place to another within the territorial jurisdiction of the Philippines;

w. "Vulnerable species" refers to species or subspecies that is not critically endangered nor endangered but is under threat from adverse factors throughout their range and is likely to move to the endangered category in the near future;

x. "Wildlife" means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated;

y. "Wildlife collector's permit" means a permit to take or collect from the wild certain species and quantities of wildlife for commercial purposes; and

z. "Wildlife farm/culture permit" means a permit to develop, operate and maintain a wildlife breeding farm for conservation, trade and/or scientific purposes.

Rule 5.1 Additional Terms - Additional terms as used in this IRR but not included in Section 5 of RA 9147 are defined as follows:

aa. "Bio-ecology" refers to the study of the relationships between organisms and their environment.

bb. "Biological resources" refers to genetic resources, organisms or parts thereof, populations or any other biotic component of ecosystems with actual or potential use or value for humanity, including but not limited to, all biological specimens such as plants, seeds, tissues and other propagation materials, animals, live or preserved, whether whole or in part;

cc. "Biosafety" refers to the need to protect human, plant and animal health or life and the environment from the possible adverse effects of the products of modern biotechnology and potentially harmful exotic species.

dd. "Botanical garden" refers to an establishment where a collection of wild flora is maintained for recreational, educational, research, conservation or scientific purposes;

ee. "Burning" refers to any act of igniting or causing to ignite any material, deliberately or otherwise, inside a

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critical habitat, if such fire has or may potentially cause any damage to the factors and elements of the critical habitat upon which the survival of the threatened species depend, based on the assessment establishing the habitat as critical;

ff. "By-products" refers to any part taken from wildlife species such as meat, hides, antlers, feathers, leather, fur, internal organs, bones, roots, trunks, barks, petioles, leaf fibers, branches, leaves, stems, flowers, scales, scutes, shells, coral parts, carapace and the like, or whole dead body of wildlife in its preserved/stuffed state, including compounds indirectly produced in a bio-chemical process or cycle;

gg. "CITES" refers to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, a treaty regulating international trade of fauna and flora listed in its Appendices;

hh. "CITES Management Authorities" refers to the agencies responsible for the interpretation and enforcement of the provisions of the CITES, issuance of permits and certificates, and monitoring the trade of wildlife from and into the country;

ii. "CITES Scientific Authorities" refers to the agencies or institutions that provide advice to the Management Authority on whether or not the exportation or importation of wildlife is detrimental to the survival of the species in the wild;

jj. "Commercial Research Agreement" refers to the agreement or undertaking entered into by the Secretary of the DENR or the DA or the PCSD Chairman and a private or public person or entity allowing the latter to conduct prospecting of biological and genetic resources;

kk. "Council" refers to the Palawan Council for Sustainable Development (PCSD), acting as a collegial body;

ll. "Critical Habitats" refers to areas outside protected areas under Republic Act 7586 that are known habitats of threatened species and designated as such based on scientific data taking into consideration species endemicity and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, among others;

mm. "Derivative" refers to a substance/material extracted or taken from wildlife such as but not limited to blood, saliva, oils, resins, genes, gums, honey, cocoon, fur, tannin, urine, serum, spores, pollen and the like; a compound directly or indirectly produced from wildlife and/or products produced from wildlife and wildlife products;

nn. "Domesticated Species" refers to animals that have been in association with mankind for a long time, bred for a special purpose and have no genetically similar form in the wild;

oo. "Dumping" refers to the act of depositing any material inside the critical habitat without any intention of retrieval or future use which may potentially cause any damage to the factors and elements of the critical habitat upon which the survival of the threatened species depend, based on the assessment establishing the habitat as critical;

pp. "Field release" means the use of regulated material outside the physical confinement found in a laboratory, a contained greenhouse, a fermenter or other contained structure;

qq. "Field testing" means any intentional introduction into the environment of a regulated article for purposes of research and development and for which no specific physical containment measures are used to limit the contact of the regulated article with, and to provide for a high level of safety for, the general population and the environment. Field testing may be conducted in a single site or in multiple sites;

rr. "Genetically engineered organisms" means organisms which underwent any process of genetic modification;

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ss. "Genetic material" refers to any material of plant, animal, containing functional units of heredity;

tt. "Genetic resources" refers to the genetic material of actual or potential value;

uu. "Hunting" refers to collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrows, spear and the like;

vv. "Indigenous Cultural Communities (ICC) or Indigenous Peoples (IPs)" refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

ww. "Local Transport Permit" refers to the permit authorizing an individual or entity to bring, carry or ship wildlife, by-products or derivatives acquired from legal sources from the point of origin to the final destination within the country;

xx. "Logging" refers to any felling of tree within a designated critical habitat;

yy. "Mineral" refers to any naturally occurring inorganic substance in solid, liquid, gas or any intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy;

zz. "NCBP" refers to the National Committee on Biosafety of the Philippines, created under E.O. No. 430 dated October 15, 1990 and tasked, among others, to formulate national policies and guidelines on biosafety;

aaa. "NGOs" refers to non-government organizations, a non-stock, non-profit voluntary organization that is committed to the task of socio-economic and sustainable development and is established primarily for service;

bbb. "Other threatened species" refers to species or subspecies that is not critically endangered, endangered nor vulnerable but is under threat from adverse factors, such as over collection, throughout their range and is likely to move to the vulnerable category in the near future;

ccc. "Other wildlife species" as used under Section 28 of the Act refers to non-threatened species that have the tendency to become threatened due to predation and destruction of habitat or other similar causes as may be listed by the Secretary upon the recommendation of the National Wildlife Management Committee;

ddd. "PAMB" refers to the Protected Area Management Board, a decision making body created by RA 7586 which exercises jurisdiction over a protected area within its area of responsibility.

eee. "PCSDS" refers to the Palawan Council for Sustainable Development Staff headed by the Executive Director;

fff. "POs" refers to people's organizations; a group of people, which may be an association, cooperative, federation, or other legal entity, established by the community to undertake collective action to address community concerns and need and mutually share the benefits from the endeavor;

ggg. "Prior Informed Consent" refers to the consent obtained by the applicant from the Local Community, Indigenous Peoples, or Private Land Owner concerned, after disclosing fully the intent and scope of the

bioprospecting activity, in a language and process understandable to the community, and before any wildlife collection activity is undertaken;

hhh. "Propagated species" refers to plants which have been cultured by man or produced through human intervention;

iii. "Re-introduction" refers to the attempt of re-establishing the population of a species or subspecies of wildlife in a location where it has historically occurred but is now extinct;

jjj. "Restocking" refers to the process of replenishing an existing population of wildlife with additional individuals of the same species or subspecies within its range;

kkk. "Significant risks" means that the biosafety risk associated with the release of the genetically-engineered organism is greater than that posed by its conventional counterpart;

lll. "Wetland" refers to areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static, flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed six (6) meters.

mmm. "Wildlife" refers to wild forms and varieties/strains of flora and fauna, in all developmental stages, such as but not limited to eggs, pupae, seedlings including those which are in captivity or are being bred or propagated; flora and fauna or those not covered by any legally-accepted document stating that same is a product of registered captive-breeding/propagation shall be presumed to be in wild form;

nnn. "Wildlife Rescue Center" refers to a repository of confiscated, donated, retrieved, turned-over or abandoned wildlife species; an establishment where sick, injured, confiscated wildlife are temporarily kept and rehabilitated prior to their release to their natural habitat or implementation of other modes of disposition as may be authorized under existing guidelines;

ooo. "Zoo/zoological park" refers to the establishment where a collection of wild fauna is maintained for recreational, educational, research, conservation or scientific purposes.

Chapter III
Conservation and Protection of Wildlife Resources

Article One
General Provision

SECTION 6. Wildlife Information - All activities, as subsequently manifested under this Chapter, shall be authorized by the Secretary upon proper evaluation of best available information or scientific data showing that the activity is, or for a purpose, not detrimental to the survival of the species or subspecies involved and/or their habitat. For this purpose, the Secretary shall regularly update wildlife information through research.

Rule 6.1 In order to assist the Secretary and the Council in the implementation of this IRR, a National Wildlife Management Committee (NWMC) shall be created separately by the DENR, DA and PCSD to provide technical and scientific advice. The NWMC shall be composed of representatives from the DENR, DA or PCSD, as the case may be, Environmental Management Bureau (EMB), other concerned government agencies, and local scientists with expertise on various fields of discipline on wildlife. Stakeholders may be invited as resource persons, when necessary. The DENR, DA or PCSD shall act as Chairperson of their respective Committees;

Rule 6.2 The NWMC shall submit recommendations to the PAWB or BFAR Director or PCSDS Executive Director, as the case may be, regarding applications for the collection or use of wildlife for trade, bioprospecting, conservation breeding or propagation of threatened species, scientific researches, special uses or other purposes as

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may be allowed in this Order or under subsequent rules and regulations;

Rule 6.3 A Regional Wildlife Management Committee (RWMC) shall likewise be created by the Regional Offices of the DENR or DA-BFAR pursuant to Rule 6.1 hereof. The RWMC shall submit its recommendation(s) to the Regional Executive Director of the DENR or the Regional Director of the DA-BFAR, as the case may be;

SECTION 7. Collection of Wildlife - Collection of wildlife may be allowed in accordance with Section 6 of this Act: Provided, That in the collection of wildlife, appropriate and acceptable wildlife collection techniques with least or no detrimental effects to the existing wildlife population and their habitats, shall likewise be required; Provided further, That collection of wildlife by indigenous people may be allowed for traditional use and not primarily for trade; Provided furthermore, That collection and utilization for said purpose shall not cover threatened species; Provided, finally, That Section 23 hereof shall govern the collection of threatened species.

Rule 7.1 Collection of wildlife may be allowed for scientific researches, breeding/propagation, bioprospecting, commercial purposes, or for other activities as may be authorized by the Secretary or Council, subject to compliance with the requirements and conditions specified in this Order and subsequent rules and regulations as may be hereinafter promulgated.

Rule 7.2 The quantity of individuals per species to be collected shall not exceed the national quota approved by the Secretary that shall be determined on the basis of the best scientific and/or commercial and other significant data available to the Secretary after conducting a review of the status of the species. The Secretary shall likewise indicate the areas of collection, whenever possible.

Rule 7.3 Appropriate and acceptable wildlife collection techniques with least or no detrimental effects to the existing wildlife populations and their habitats shall be used in said collection with due consideration to the welfare of the wildlife species.

Rule 7.4 Prior Informed Consent from the concerned indigenous people in accordance with RA No. 8371 (Indigenous Peoples Rights Act (IPRA) of 1997) or prior clearance from the concerned local government unit and in the case of protected areas, from the Protected Area Management Board (PAMB) and other relevant agencies, bodies or institutions which exercise authority over the collection area shall be obtained, in accordance with the provisions of this Order.

Rule 7.5 Collection of threatened species, their by-products and derivatives shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 23 of RA 9147.

Rule 7.6 Collection of wildlife, except threatened species, by indigenous peoples shall be allowed for traditional use and not primarily for trade. In case the collection is for breeding/propagation or for commercial purposes, they shall secure the necessary permit pursuant to this Order and subsequent rules or regulations that may be hereinafter promulgated.

Rule 7.7 The Secretary or Council shall, after the conduct of scientific studies, issue subsequent guidelines governing hunting of wildlife.

SECTION 8. Possession of Wildlife - No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability to maintain said wildlife: Provided, That the source was not obtained in violation of this Act.

Rule 8.1 The Secretary or the Council or their authorized representatives shall determine the financial and technical capability of the possessor of wildlife, taking into consideration the maintenance requirements and value of the subject wildlife.

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SECTION 9. Collection and/or Possession of By-Products and Derivatives - By products and derivatives may be collected and/or possessed. Provided, That the source was not obtained in violation of this Act.

Rule 9.1 Collection of by-products and derivatives may be undertaken provided these are covered by permits issued by the Secretary or the Council or their authorized representatives.

SECTION 10. Local Transport of Wildlife, By-Products and Derivatives - Local transport of wildlife, by-products and derivatives collected or possessed through any other means shall be authorized unless the same is prejudicial to the wildlife and public health.

Rule 10.1 Local transport of wildlife, by-products and derivatives shall be accompanied by a Local Transport Permit (LTP) secured from the nearest DENR/DA-BFAR Field Office or the PCSD Staff District Management Office, as the case may be. Provided that the wildlife, by-products or derivatives were collected or acquired in accordance with this Order and subsequent rules and regulations as may be hereinafter promulgated by the concerned agencies;

Rule 10.2 A Quarantine/Veterinary Health Certificate for animals or a Phytosanitary Certificate for plants secured from the Department of Agriculture shall also accompany the transport of live specimens.

SECTION 11. Exportation and/or Importation of Wildlife - Wildlife species may be exported or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of RA 9147 and rules and regulations promulgated pursuant thereto, Provided, That the recipient of the wildlife is technically and financially capable to maintain it.

Rule 11.1 Wildlife species gathered or taken in violation of the provisions of R.A. 8550 or the Philippine Fisheries Code and its Implementing Rules and Regulations shall not be allowed for exportation.

Rule 11.2 An export permit or import permit shall be issued by the Secretary after compliance with the requirements and procedures imposed under each agency's respective rules and regulations.

Rule 11.3 Importation of exotic species may be allowed by the Secretary or the authorized representative based on sound ecological, biological, and environmental justification, resulting from scientific studies, subject to biosafety standards and import risk analysis and/or other sanitary and phytosanitary measures.

Rule 11.4 The Secretary shall promulgate rules and regulations for the importation and introduction of exotic wildlife species.

Rule 11.5 For wildlife species, the DA shall require an export/import permit issued by the DENR, as the case may be, prior to the issuance of the phytosanitary/veterinary health certificate.

Rule 11.6 The rules and regulations under this Section shall also cover wildlife by-products and derivatives.

SECTION 12. Introduction, Reintroduction or Restocking of Endemic or Indigenous Wildlife - The introduction, reintroduction or restocking of endemic and indigenous wildlife shall be allowed only for population enhancement or recovery purposes subject to prior clearance from the Secretary or the authorized representative pursuant to Section 6 of RA 9147.

Any proposed introduction shall be subject to a scientific study which shall focus on the bioecology. The proponent shall also conduct public consultations with concerned individuals or entities.

Rule 12.1 The introduction, reintroduction and restocking of endemic and indigenous wildlife shall be allowed only for population enhancement and recovery purposes. For this purpose, the Secretary or the Council, upon recommendation of the National Wildlife Management Committee (NWMC), shall issue the necessary clearance

prior to the conduct of said activities.

Rule 12.2 The clearance shall be issued upon compliance with the following requirements:

a. Feasibility study and background research that shall focus on bio-ecology, conservation status of the species to be released/planted, natural history of the species in the wild, status and suitability of the proposed release/planting site, studies on previous re-introductions, if any, risk analysis and management, and other relevant data as may be necessary;

b. Management plan to include among others, preparatory activities such as rehabilitation of habitat and species, protection, etc., scheme for release/plantation; and, subsequent monitoring of the released/planted species; and,

c. Public consultation with concerned individuals or entities such as the LGU, IPs, NGOs, POs, members of the academe and other stakeholders: Proof(s) of public consultation conducted, such as notice(s), minutes of the meeting, resolutions, endorsements, attendance, publication etc., shall be submitted in support hereof.

SECTION 13. Introduction of Exotic Wildlife - No exotic species shall be introduced in the country, unless a clearance from the Secretary or the authorized representative is first obtained. In no case shall species be introduced into protected areas covered by Republic Act 7586 and to critical habitats under Section 25 hereof.

In cases where introduction is allowed, it shall be subject to environmental impact study, which shall focus on the bioecology, socioeconomic and related aspects of the area where the species shall be introduced. The proponent shall also be required to secure the prior informed consent from the local stakeholders.

Rule 13.1 The introduction of exotic species as defined in this Order shall require the prior clearance of the Secretary or the Council or their authorized representatives, as the case may be, upon recommendation of the NWMC; Provided that no introductions shall be made into protected areas and critical habitats.

Rule 13.2 The clearance shall be issued after compliance with the following requirements:

a. Environmental impact study focusing on the bio-ecology, socioeconomic and related aspects of the area where the species will be introduced and status and suitability of the proposed area where the exotic species shall be introduced;

b. Scientific study and background research that shall include but not limited to taxonomic status and other relevant data as may be necessary, and risk assessment of the exotic species to be introduced;

c. Management plan to include, among others, preparatory activities such as conditioning of species, protection; scheme for the introduction; and, subsequent monitoring of the introduced species;

d. Prior informed consent from the local stakeholders secured in accordance with the procedures outlined under the rules in Section 14 of this Order. Proof(s) of public consultation conducted, such as notice(s), minutes of the meeting, resolutions, endorsements, attendance, publication etc., shall be submitted in support hereof;

e. Submission of an affidavit of undertaking, stating that the proponent shall establish a Monitoring and Research Fund to be utilized for the monitoring, study or research purposes of the introduced exotic species; and, that in case of unforeseen harmful effects to the environment and to endemic species, control and/or eradicate the introduced species in the area at his own expense. For this purpose, the proponent shall post a bond, the amount of which shall be determined by the Secretary or the Council.

Rule 13.3 Exotic wildlife that have already been introduced in one area and are proposed to be introduced to another area shall likewise be governed by Rules 13.1 and 13.2

SECTION 14. Bioprospecting - Bioprospecting shall be allowed upon execution of an undertaking by any

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proponent, stipulating therein its compliance with and commitment(s) to reasonable terms and conditions that may be imposed by the Secretary, which are necessary to protect biological diversity.

The Secretary or the authorized representative, in consultation with the concerned agencies, before granting the necessary permit, shall require that prior informed consent be obtained by the applicant from the concerned indigenous cultural communities, local communities, management board under Republic Act 7586 or private individual entity. The applicant shall disclose fully the intent and scope of the bioprospecting activity in a language and process understandable to the community. The prior informed consent from the indigenous peoples shall be obtained in accordance with existing laws. The action on the bioprospecting proposal by the concerned bodies shall be made within a reasonable period.

Upon submission of the complete requirements, the Secretary shall act on the research proposal within a reasonable period.

If the applicant is a foreign entity or individual, a local institution should be actively involved in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources.

Rule 14.1 The DENR, DA and PCSD shall issue joint guidelines specific for bioprospecting.

SECTION 15. Scientific Researches on Wildlife - Collection and utilization of biological resources for scientific research and not for commercial purposes shall be allowed upon execution of an undertaking/agreement with and issuance of a gratuitous permit by the Secretary or the authorized representative: Provided, That prior clearance from concerned bodies shall be secured before the issuance of a gratuitous permit: Provided, further, That the last paragraph of Section 14 shall likewise apply.

Rule 15.1 The collection of wildlife for scientific research shall require the prior execution of an Affidavit of Undertaking by the applicant or a Memorandum of Agreement (MOA) between the Secretary or the Council and the proponent, and the issuance of a Gratuitous Permit (GP) by the Secretary or the Council. The MOA and GP shall, as far as practicable, be signed and issued within one month after submission and completion of all requirements.

Rule 15.2 The proponent shall also submit a letter of application, brief description of the research activity or proposal, and endorsement letter of the Head of Institution where the proponent is affiliated, or in the case of an individual researcher, from a recognized expert at a research institution or conservation organization. The Free and Prior Informed Consent of the IPs, or prior clearance of the concerned LGUs, PAMB, private land owner and/or other relevant agencies/institutions, where the collection shall be made shall also be obtained.

Rule 15.3 If the applicant is a foreign entity or individual or a Filipino citizen affiliated with a foreign institution, a Memorandum of Agreement shall be executed with the Secretary or Council. In addition to the requirements under the preceding Rule, a local institution must be identified as a research collaborator or counterpart and the corresponding letter of consent of the Head of such local institution should be submitted to the concerned agency.

Rule 15.4 The Affidavit of Undertaking or Memorandum of Agreement shall contain the following minimum terms and conditions:

a. Spin-off technology shall not be developed out of the results of the scientific study, research, thesis or dissertation;

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b. Intellectual property rights over the results shall not be applied for without the prior approval of the concerned agency;

c. The proponent shall submit to the concerned agency at the conclusion of the research, the results and the recommended plan of action, whenever applicable; and,

d. The Animal Welfare Protocol shall be observed as the case may be.

Rule 15.5 For purposes of thesis and dissertation of students affiliated with local academic institutions, the issuance of a Gratuitous Permit by the Secretary of the DENR through the PAWB Director or the concerned Regional Executive Director, the Secretary of the DA through the BFAR Director or concerned BFAR Regional Director or the Council through the Executive Director of the PCSDS shall be sufficient, upon submission by the applicant of a copy of the approved thesis proposal, endorsement letter from the concerned Dean, and prior clearance from the concerned entities or PIC certificate from the IP head.

Rule 15.6 For thesis and dissertation purposes by foreign applicants or Filipino citizens affiliated with foreign institutions, the execution of a Memorandum of Agreement with and issuance of the GP by the DENR, DA, or PCSD, as the case may be, shall be required. The MOA shall, as far as practicable, be signed and issued within one month after submission and completion of all requirements.

Rule 15.7 Collection of specimens/samples by government agencies necessary to address urgent concerns such as but not limited to red tide, ebola or ebola-like virus, malaria occurrences and the like as certified by the concerned agency/office shall be exempted from these rules on scientific researches. The DENR, DA or PCSD shall be informed, however, of the results of the research conducted and recommended plan of action.

Rule 15.8 Other government initiated or implemented research or scientific projects shall require the issuance of a Gratuitous Permit by the Secretary or the Council, or their authorized representatives as provided in this Order upon filing of a letter of application, submission of approved work and financial plan, research proposal, grant agreement or Memorandum of Agreement, as the case may be, and prior clearance from the concerned entities or PIC certificate from the IP head.

Rule 15.9 Scientific researches involving conservation breeding or propagation activities and other wildlife conservation projects initiated by non-government institutions shall be covered by the provisions of this Order. The applicant shall submit the following documents to the concerned agency:

a. Letter of Intent;
b. Research/Project Proposal;
c. Habitat restoration, protection and management plan for reintroduction and restocking of captive-bred individuals (for conservation breeding projects only);
d. Letter of Acceptance of local collaborators (for foreign applicants only);
e. Institution's Profile;
f. Endorsement from the Head of the Institution;
g. Prior clearance obtained in accordance with Rule 7.4 hereof;
h. Payment of application and processing fees in accordance with Section 21 hereof; and
i. Others as may be required by the concerned agency.

Rule 15.10 Copies of research outputs shall be provided by the proponent to the DA, DENR, PCSD, concerned

LGUs, Indigenous Peoples and other concerned agencies/institutions that have management control over the study or collection sites.

Rule 15.11 All existing Academic Research Agreements (ARA) executed with the DENR, DA, Department of Science and Technology (DOST), Department of Health (DOH) pursuant to EO 247, and other Memoranda of Agreement (MOA) with the DENR or DA shall remain valid and effective until expiration. Provided that in the case of renewal, the new agreement or undertaking shall conform with the requirements and procedures specified herein or other rules and regulations as may be subsequently promulgated.

SECTION 16. Biosafety. All activities dealing on genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms that are potentially harmful to man and the environment shall be reviewed in accordance with the biosafety guidelines ensuring public welfare and the protection and conservation of wildlife and their habitats:

Rule 16.1 Existing biosafety protocol shall be observed in all activities dealing on genetic engineering and pathogenic organisms, including their importation, introduction, field release and breeding.

Rule 16.2 The following activities shall undergo the process of Environmental Impact Assessment (EIA):

a. introduction of exotic fauna in private/public forests;
b. field release of any pathogenic organism;
c. field testing of any genetically-engineered organism: (i) in an Environmentally Critical Area; (ii) the conduct of which has been determined by the DENR-Environmental Management Bureau and the DA-Bureau of Plant Industry, as posting significant risks to the environment.

SECTION 17. Commercial Breeding or Propagation of Wildlife Resources - Breeding or propagation of wildlife for commercial purposes shall be allowed by the Secretary or the authorized representative pursuant to Section 6 through the issuance of wildlife/culture permit: Provided, That only progenies of wildlife raised, as well as unproductive parent stock shall be utilized: Provided further, That commercial breeding operations for wildlife, whenever appropriate, shall be subject to an environmental study.

Rule 17.1 Any Filipino citizen or corporation, partnership, association, cooperative, at least 60% of which is owned by Filipino citizens allowed to collect wildlife for commercial breeding or propagation purposes shall be issued a Wildlife Collector's Permit (WCP) by the PAWB or BFAR Director or concerned Regional Executive Director of the DENR or Regional Director of the DA-BFAR, Executive Director of the PCSD, and Wildlife Farm Permit (WFP) by the concerned Regional Executive Director of the DENR or the Regional Director of the DA-BFAR or the Executive Director of the PCSDS.

Rule 17.2 The WCP shall authorize the collection of parental or founder stock while the WFP shall authorize the holder of WCP to engage in the breeding of the collected stock, provided that only progenies or propagated individuals shall be utilized for trade, except as may be allowed under Section 18 of this Order. In case of fauna, the unproductive parent stock duly reported to and verified by the DENR as unproductive, may also be allowed for trade or re-introduction to the wild, pursuant to the rules under Section 12 of this Order. For stocks obtained through importation or acquired from an accredited or registered breeding facility, only a WFP shall be required. If the collection sites are confined within one (1) region, the WCP shall be issued by the concerned Regional Executive Director of the DENR or Regional Director of the DA-BFAR, while the PAWB or BFAR Director shall issue said permit if the collection sites cover several regions.

Rule 17.3 For non-Filipino citizens, corporations, partnerships, or associations, a WFP shall only be issued if the

parental stock are either captive-bred or obtained through importation.

Rule 17.4 A system of marking, genetic characterization or tagging as prescribed by the concerned agency after consultation with concerned wildlife collectors or breeders shall be followed and implemented for identification of the parent stock and its offspring, whenever appropriate and practicable.

Rule 17.5 The Secretary or the Council shall by subsequent rules and regulations to be promulgated, prescribe the requirements and procedures for the issuance of a WCP and WFP.

SECTION 18. Economically Important Species - The Secretary within one (1) year after the effectivity of this Act, shall establish a list of economically-important species. A population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated by the Secretary.

The collection of certain species shall only be allowed when the results of the assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers. For this, purpose, the Secretary shall establish a schedule and volume of allowable harvests.

Whenever an economically important species becomes threatened, any form of collection shall be prohibited except for scientific, educational or breeding/propagation purposes, pursuant to the provisions of this Act.

Rule 18.1 A national list of economically important species, including the schedule, volume of allowable harvest, regional/geographical distribution and areas of collection, shall be prepared by the Secretary, upon recommendation of each Department's National Wildlife Management Committee, in consultation with the Council, concerned scientific institutions, conservation groups stakeholders and industry. The list shall be reviewed and updated regularly.

Rule 18.2 Only Filipino citizens, or corporations, partnerships, cooperatives or associations 60% of the capital of which is owned by Filipinos, shall be allowed to collect non-threatened economically important species for direct trade purposes. This may be done upon the issuance of a Wildlife Special Use Permit (WSUP) by the Secretary of the DENR, or an equivalent permit of the DA or the concerned city or municipality in case of marine/aquatic species found in municipal waters, or an equivalent permit from the Council, or their authorized representatives. The permit shall be issued upon compliance with the requirements and procedures prescribed in subsequent rules and regulations to be promulgated by the concerned agencies, provided that the use shall only be allowed when the population of the species can remain viable and sustainable.

Rule 18.3 In case non-threatened economically important species shall be used for commercial breeding/propagation or bioprospecting the provisions of the rules under Sections 14 and 17 of this Order shall apply.

SECTION 19. Designation of Management and Scientific Authorities for International Trade in Endangered Species of Wild Fauna and Flora - For the implementation of international agreement on international trade in endangered species of wild fauna and flora, the management authorities for terrestrial and aquatic resources shall be the Protected Areas and Wildlife Bureau (PAWB) of the DENR and the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA, respectively and that in the Province of Palawan the implementation hereof is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

To provide advice to the management authorities, there shall be designated scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species, the scientific authorities shall be the Ecosystems Research and Development Bureau (ERDB) of the DENR, the U.P. Institute of Biological Sciences and the National Museum and other agencies as may be designated by the Secretary. For the marine and aquatic species, the scientific

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authorities shall be the BFAR, the U.P. Marine Science Institute, U.P. Visayas, Siliman University and the National Museum and other agencies as may be designated by the Secretary: Provided, that, in the case of terrestrial species, the ERDB shall chair the scientific authorities, and in the case of marine and aquatic species, the U.P. Marine Science Institute shall chair the scientific authorities.

Rule 19.1 Functions of the CITES Management Authorities:

a. Issue and accept permits and certificates for species listed under CITES and falling under their respective jurisdictions;

b. Monitor the trade of wildlife from and into the country;

c. Prepare and circulate official information on CITES;

d. Coordinate with the CITES Secretariat and prepare annual and biennial reports for submissions thereto;

e. Coordinate with law enforcement agencies, customs and other government agencies, and NGOs for the implementation of the Convention;

f. Prepare proposals and formulate country position on other country proposals;

g. Implement and enforce provisions of the Convention, CoP resolutions, and amendments to the Appendices of the CITES;

h. Receive inputs from and coordinate with the Scientific Authorities. The Management Authority has the option to seek the advice of any of the Scientific Authorities or can meet all the Scientific Authorities for their collegial recommendation or advice;

i. Represent the country in the CITES Conference of Parties (CoP);

Rule 19.2 The CITES Management Authorities shall convene twice a year or as the need arises to discuss issues and concerns arising from the implementation of CITES. The Management Authorities shall take turns in hosting meetings, assume the Secretariat function and shoulder related expenses thereof.

Rule 19.3 Functions of the Scientific Authorities:

a. Advise the Management Authorities on whether export of species listed under Appendices II and III is detrimental to the survival of the species in the wild. Findings and advice of the Scientific Authorities of the

country of export should be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;

b. Advise the Management Authorities whether export or import of species listed under Appendix I for scientific/conservation breeding purposes will not be detrimental to the survival of the species in the wild;

c. Monitor the status of Appendix II species and export data, and recommend, if necessary, suitable remedial measures to limit the export of specimens in order to maintain each species throughout its range at a level consistent with its role in the ecosystem and well above the level at which the species might become eligible for inclusion in Appendix I;

d. Provide advice to the Management Authorities on the suitability of the recipient to house and care for live specimens of Appendix 1 species being imported;

e. Provide advice as to whether or not scientific institutions seeking registration for the purpose of being issued labels for scientific exchange meet the criteria established by the CITES Resolutions and other standards of any stricter national requirements;

f. Gather and analyze information on the biological and conservation, status of species affected by trade to assist in the preparation of proposals necessary to amend the Appendices;

g. Review, proposals to amend the Appendices submitted by other Parties and make recommendations to the delegation of the country on how it should address each proposal.

h. Provide advice to the Management Authorities on other important matters;

Rule 19.4 The Scientific Authorities shall be entitled to honoraria, subject to the availability of funds and the usual accounting and auditing rules and regulations;

SECTION 20. Authority of the Secretary to Issue Permits - The Secretary or the duly authorized representative, in order to effectively implement this Act, shall issue permits/certifications/clearances with corresponding period of validity, whenever appropriate, which shall include but not limited to the following:

1) Wildlife farm or culture permit 3 to 5 years;

2) Wildlife collector's permit 1 to 3 years;

3) Gratuitous permit 1 year;

4) Local transport permit 1 to 3 months; and

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5) Export/Import/Re-export permit 1 to 6 months.

These permits may be renewed subject to the guidelines issued by the appropriate agency and upon consultation with concerned groups.

Rule 20.1 The Secretary or Council is authorized to issue a Wildlife Special Use Permit in accordance with Section 18 hereof.

Rule 20.2 The Secretary or the Council shall promulgate subsequent rules and regulations prescribing the requirements and procedures for the issuance of the permits mentioned in this Section, including the Wildlife Special Use Permit as mentioned in Rule 20.1

SECTION 21. Fees and Charges - Reasonable fees and charges as may be determined upon consultation with the concerned groups, and in the amount fixed by the Secretary shall be imposed for the issuance of permits enumerated in the preceding Section.

For the export of wildlife species, an export permit fee of not greater than three percentum (3%) of the export value, excluding transport costs, shall be charged: Provided, however, that in the determination of aforesaid fee, the production costs shall be given due consideration. Cutflowers, leaves and the like produced from farms shall be exempted from the said export fee: Provided, further, that fees and charges shall be reviewed by the Secretary every two (2) years or as the need arises and revise the same accordingly, subject to consultation with concerned sectors.

Rule 21.1 The Secretary or the Council shall promulgate subsequent rules and regulations prescribing the rates of fees and charges on the various activities concerning wildlife resources. All conservation projects, including research and development, being implemented by any Philippine government agency, office or entity are exempted from the payment of these fees and charges.

Article Two
Protection of Threatened Species

SECTION 22. Determination of Threatened Species - The Secretary shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:

A. present or threatened destruction, modification or curtailment of its habitat or range;

B. over-utilization for commercial, recreational, scientific or educational purposes;

C. inadequacy of existing regulatory mechanism; and

D. other natural or man-made factors affecting the existence of wildlife.

The Secretary shall review, revise and publish the list of categorized threatened wildlife within one (1) year after effectivity of this Act. Thereafter, the list shall be updated regularly or as the need arises: Provided, that a species listed as threatened shall not be removed therefrom within three (3) years following its initial listing.

Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary shall evaluate in accordance with the relevant factors stated in the first paragraph of this section, the status of the species concerned and act on said petition within a reasonable

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period.

The Secretary shall also prepare and publish a list of wildlife which resembles so closely in appearance with threatened wildlife, which species shall likewise be categorized as threatened.

Rule 22.1 The DENR, DA and PCSD shall in the interim continue to implement the existing national list of threatened species without prejudice, however, to subsequent listing of threatened species based on revised or updated national criteria. Provided that due consideration shall be given to the best scientific and commercial data available and internationally accepted criteria mentioned in Section 22 hereof and additionally by the factor of disease or predation.

Rule 22.2 A Philippine Red List Committee (PRLC) for Plants/Animals shall be created by the DENR and the DA, in consultation with the Council, to develop the criteria for the determination of threatened species and their classification as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific and commercial data available and with due regard to internationally accepted criteria as mentioned in Section 22 and additionally by disease or predation.

Rule 22.3 The Secretary shall review, revise and publish the list of categorized threatened wildlife,upon consultation with the Council, scientific institutions, the academe, and other stakeholders, which shall be updated regularly as the need arises, provided that a species listed as threatened shall not be removed therefrom within three (3) years following its initial listing. The Secretary upon recommendation of the Director and upon consultation with the NWMC and affected local communities may impose conditions/qualifications as to the date of effectivity and application of restriction on the collection and trade of certain wildlife species, their by-products and derivatives in the list.

Rule 22.4 Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary, in consultation with the concerned PRLC, shall evaluate said petition in accordance with the relevant factors stated in the first paragraph of this section, the status of the species concerned and act on the said petition within a reasonable period.

Rule 22.5 The Secretary, in consultation with the concerned PRLC, shall also prepare and publish a list of wildlife that resembles so closely in appearance with listed threatened wildlife, which species shall likewise be categorized as threatened.

SECTION 23. Collection of Threatened Wildlife, By-Products and Derivatives - The collection of threatened wildlife, as determined and listed pursuant to this Act including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act: Provided, that only the accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation, breeding or propagation purposes.

Rule 23.1 The collection of threatened species of wildlife as determined, listed and published by the Secretary, including their by-products and derivatives as defined in this Implementing Rules and Regulations, shall be allowed only for scientific or breeding or propagation purposes in accordance with the rules under Section 7 hereof, provided that only accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation or breeding purposes in accordance with the rules under Section 24 hereof.

Rule 23.2 The Secretary or the Council shall by subsequent regulations to be promulgated, prescribe the qualifications of and procedures for the accreditation of individuals or entities desiring to collect threatened species for scientific or breeding or propagation purposes.

SECTION 24. Conservation Breeding or Propagation of Threatened Species. Conservation breeding or propagation of threatened species shall be encouraged in order to enhance its population in its natural habitat. It shall be done simultaneously with the rehabilitation and/or protection of the habitat where the captive-bred or propagated species shall be released, reintroduced or stocked.

Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:

A. Proven effective breeding and captive management techniques of the species; and

B. Commitment to undertake commercial breeding in accordance with section 17 of this Act, simultaneous with conservation breeding.

The Secretary shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises.

Rule 24.1 The Secretary or the Council shall, by subsequent regulations to be promulgated, prescribe requirements in addition to the minimum requirements stated in Section 24 hereof and the procedures for the issuance of permits for the conservation breeding or propagation of threatened species.

Rule 24.2 A list of threatened species for commercial breeding purposes shall be prepared by the Secretary, upon recommendation of the Philippine Red List Committee (PRLC) for Plants or Animals as the case may be in consultation with scientific and educational institutions, and other concerned stakeholders. The list shall be regularly revised or updated.

Rule 24.3 Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:

a. Proven effective breeding and captive management techniques of the species;

b. Commitment to undertake commercial breeding in accordance with Section 17 of this Act, simultaneous with conservation breeding; and,

c. Implement programs/measures for the rehabilitation and/or protection of the habitat where the captive-bred or propagated species shall be released, reintroduced or stocked.

SECTION 25. Establishment of Critical Habitats - Within two (2) years following the effectivity of this Act, the Secretary shall designate critical habitats outside protected areas under Republic Act No. 7586, where threatened species are found. Such designation shall be made on the basis of the best scientific data taking into consideration species endemicity and/or richness, presence of manmade pressures/threats to the survival of wildlife living in the area, among others.

All designated critical habitats shall be protected, in coordination with the local government units and other concerned groups, from any form of exploitation or destruction which may be detrimental to the survival of the threatened species dependent therein. For such purpose, the Secretary may, by purchase, donation or expropriation, lands, or interests therein, including the acquisition of usufruct, establishment of easements or other

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undertakings appropriate in protecting the critical habitat.

Rule 25.1 The designation of critical habitats where threatened species are found, outside of protected areas under Republic Act 7586, shall be based on a set of criteria to be promulgated by the Secretary or Council in subsequent rules or regulations. The Secretary or Council, in designating areas as critical habitats, shall give due regard to the best scientific data available taking into consideration species endemicity and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, and the socioeconomic and other relevant impacts.

Rule 25.2 The Secretary or the Council by subsequent regulations shall establish the procedures for the designation of critical habitats.

Rule 25.3 The Secretary of the DENR shall designate critical habitats in terrestrial and wetland areas, while the Secretary of the DA shall designate critical habitats in aquatic areas, provided that designation of critical habitats in municipal waters shall require prior consultation with the City or Municipal Government and the Fisheries and Aquatic Resources Management Council (FARMC) and other stakeholders. The Council shall designate critical habitats in the Province of Palawan.

Rule 25.4 If the habitat of the wildlife species comprises both terrestrial and aquatic areas, the critical habitat shall be established jointly by the DENR and DA.

Rule 25.5 Initially the 170 terrestrial and 36 marine conservation priority areas identified by the Philippine Biodiversity Conservation Priority Setting Program shall be considered in the establishment of critical habitats, only after a series of public consultations with all stakeholders, i.e., fisherfolks, Fisheries and Aquatic Resources Management Councils (FARMCs), Local Government Units (LGUs), Government Organizations (GOs), Non-Government Organizations (NGOs), and taking into consideration the principle of integrated resource management.

Article Three
Registration of Threatened and Exotic Species

SECTION 26. Registration of Threatened and Exotic Wildlife in the Possession of Private Persons - No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife. Twelve (12) months after the effectivity of this Act, the Secretary shall set a period, within which persons/entities shall register all threatened collected and exotic species imported prior to the effectivity of this Act. However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable arrangement.

After the period set has elapsed, threatened wildlife possessed without certificate of registration shall be confiscated in favor of the government, subject to the penalties herein provided.

All Philippine wildlife which are not listed as threatened prior to the effectivity of this Act but which may later become so, shall likewise be registered during the period set after the publication of the updated threatened list of threatened species.

Rule 26.1 All threatened indigenous and endemic fauna, and all exotic species in the possession of private individuals or entities without permit from the government agency concerned shall be registered within the period to be declared by the Secretary. The possessor of said wildlife shall be issued a Certificate of Wildlife Registration (CWR) for the purpose, provided such person or entity can prove financial and technical capability and has the facility to maintain said wildlife. However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable

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arrangement.

Rule 26.2 For plants, only threatened and/or economically important species listed pursuant to the rules under Section 18 hereof, including threatened exotic plants, maintained in nurseries for commercial purposes shall be registered. For hobbyist, submission of a list of threatened plants in their possession shall be sufficient.

Rule 26.3 After the period set has elapsed, threatened wildlife possessed without CWR shall be confiscated in favor of the government, subject to the penalties herein provided.

Rule 26.4 All Philippine wildlife which are not listed as threatened prior to the effectivity of RA No. 9147 but which may later be listed as threatened, shall likewise be registered during the period set after the publication of the updated list of threatened species.

Rule 26.5 For monitoring and record purposes and to facilitate management of non-threatened species that have the tendency to become threatened due to over-collection, predation, destruction of habitat or other similar causes, non-threatened wild fauna being maintained in captivity by individuals and entities shall likewise be registered with the concerned agency.

Rule 26.6 Threatened and/or exotic species of wild fauna being maintained in facilities such as but not limited to zoos, parks and aquaria of government agencies or institutions shall also be registered with the concerned agency. Threatened and/or economically important species of wild flora being maintained in garden or similar facilities of government agencies and institutions shall also be registered. For museums and herbaria, submission of a list of specimens of threatened wildlife being kept in said institutions shall be sufficient.

Rule 26.7 The Secretary or the Council, shall, by subsequent rules and regulations, prescribe the process and requirements for registration. A CWR shall be issued to those who will register species of wildlife in their possession, and shall by virtue of the CWR, be subject to certain rights and obligations, to be further defined in subsequent regulations or resolutions.

Rule 26.8 The CWR does not confer the holder the privilege to collect animals/plants from the wild or other illegal sources unless granted a permit in accordance with the provisions of this Order and subsequent rules and regulations that may be hereinafter promulgated.

Rule 26.9 Deliberate disregard of the terms and conditions of the CWR shall be a ground for the cancellation of said certificate after due process and shall cause confiscation of all existing wildlife in favor of the government without prejudice to the application of other measures as provided for under existing laws, rules and regulations.

Rule 26.10 Wildlife acquired from legal sources shall also be registered anytime upon submission of proof of acquisition thereof.

Chapter IV
Illegal Acts

SECTION 27. Illegal Acts. Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully knowing exploit wildlife resources and their habitats, or undertake the following acts:

a. killing and destroying wildlife species, except in the following instances;

i. when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
ii. when the wildlife is afflicted with an incurable communicable disease;

iii. when it is deemed necessary to put an end to the misery suffered by the wildlife;
iv. when it is done to prevent an imminent danger to the life or limb of a human being; and
v. when the wildlife is killed or destroyed after it has been used in authorized research or experiments.

b. inflicting injury which cripples and/or impairs the reproductive system of wildlife species;

c. effecting any of the following acts in critical habitat(s):

i. dumping of waste products detrimental to wildlife;
ii. squatting or otherwise occupying any portion of the critical habitat;
iii. mineral exploration and/or extraction;
iv. burning;
v. logging; and
vi. quarrying

d. introduction, reintroduction or restocking of wildlife resources;

e. trading of wildlife;

f. collecting, hunting or possessing wildlife, their by-products and derivatives;

g. gathering or destroying of active nests, nest trees, host plants and the like;

h. maltreating and/or inflicting other injuries not covered by the preceding paragraph; and

i. transporting of wildlife.

Rule 27.1 For killing of any form of wildlife to be justified under pars. ii and iii of Section 27 (a) of the act, a prior certification from a Licensed Veterinarian that the concerned wildlife is afflicted with an incurable disease or that the euthanasia is done to put an end to misery of said wildlife;

Rule 27.2 In accordance with Section 27 of the Act, only the killing of wildlife species not classified as threatened, as part of religious rituals of established indigenous cultural communities may qualify under par. i of Section 27 (a) of the Act.

Chapter V
Fines and Penalties

SECTION 28. Penalties for Violations of this Act - For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed:

a. imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One Hundred Thousand Pesos (P100,000.00) to One Million Pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical;

b. imprisonment of four (4) years and one (1) day to six (6) years and/or a fine of Fifty Thousand Pesos (P50,000.00), to Five Hundred Thousand Pesos (P500,000.00), if inflicted or undertaken against endangered species;

c. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty Thousand Pesos (30,000.00) to Three Hundred Thousand Pesos (P300,000.00), if inflicted or undertaken against other

vulnerable species;

d. Imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty Thousand Pesos (20,000.00) to Two Hundred Thousand Pesos (P200,000.00), if inflicted or undertaken against other threatened species; and

e. imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten Thousand Pesos (10,000.00) to One Hundred Thousand Pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraph (b) of the immediately preceding section, the following penalties and/or fines shall be imposed:

a. imprisonment of a minimum of four (4) years and one (1) day to six (6) years and/or a fine of Fifty Thousand Pesos (P50,000.00) to Five Hundred Thousand Pesos (P500,000.00), if inflicted or undertaken against species listed as critical;

b. imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty Thousand Pesos (P30,000.00) to Two Hundred Thousand Pesos (P200,000.00), if inflicted or undertaken against endangered species;

c. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty Thousand Pesos (P20,000.00) to Two Hundred Thousand Pesos (P200,000.00), if inflicted or undertaken against vulnerable species;

d. imprisonment of a six (6) months and one (1) day to one (1) year and/or a fine of Ten Thousand Pesos (P10,000.00) to Fifty Thousand Pesos (P50,000.00), if inflicted or undertaken against other threatened species; and

e. imprisonment of a one (1) month to six and one (1) day to six (6) months and/or a fine of Five Thousand Pesos (P5,000.00) to Twenty Thousand Pesos (P20,000.00), if inflicted or undertaken against other wildlife species;

For illegal acts under paragraphs (c) and (d) of the immediately preceding section, an imprisonment of one (1) month to eight (8) years and/or a fine of Five Thousand Pesos (P5,000.00) to Five Million Pesos (P5,000,000.00) shall be imposed.

For illegal acts under paragraph (e), the following penalties and/or fines shall be imposed:

a. imprisonment of a two (2) years and one (1) day to four (4) years and/or a fine of Five Thousand Pesos (P5,000.00) to Three Hundred Thousand Pesos (P300,000.00) if inflicted or undertaken against species listed as critical;

b. imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Two Thousand Pesos (P2,000.00) to Two Hundred Thousand Pesos (P200,000.00), if inflicted or undertaken against endangered species;

c. imprisonment of six (6) months and one (1) day to six (6) months and/or a fine of One Thousand Pesos (P1,000.00) to One Hundred Thousand Pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

d. imprisonment of a one (1) month and one (1) day to six (6) months and/or a fine of Five Hundred Pesos

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(P500.00) to Fifty Thousand Pesos (P50,000.00), if inflected or undertaken against other threatened species; and,

e. imprisonment of ten (10) days to one (1) month and or a fine of Two Hundred Pesos (P200.00) to Twenty Thousand Pesos (P20,000.00), if inflicted or undertaken against other wildlife species;

For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or fines shall be imposed:

a. imprisonment of two (2) years and one (1) day to four (4) years and a fine of Thirty Thousand Pesos (P30,000.00) to Three Hundred Thousand Pesos (P300,000.00), if inflicted or undertaken against species listed as critical;

b. imprisonment of one (1) year and one (1) day to two (2) years and a fine of Twenty Thousand Pesos (P20,000.00) to Two Hundred Thousand Pesos (P200,000.00), if inflicted or undertaken against endangered species;

c. imprisonment of six (6) months and one (1) day to one (1) year and a fine of Ten Thousand Pesos (P10,000.00) to One Hundred Thousand Pesos (P100,000.00), if inflicted or undertaken against vulnerable species;

d. imprisonment of a one (1) month and one (1) day to six (6) months and a fine of Five Thousand Pesos (P5,000.00) to Fifty Thousand Pesos (P50,000.00), if inflicted or undertaken against species listed as other threatened species; and,

e. imprisonment of ten (10) days to one (1) month and a fine of One Thousand pesos (P1,000.00) to Five Thousand Pesos (P5,000.00), if inflicted or undertaken against other wildlife species: Provided, That in case of paragraph (f), where the acts were perpetuated through the means of inappropriate techniques and devices, the maximum penalty herein provided shall be imposed.

For illegal acts under paragraphs (h) and (i) of the immediately preceding section, the following penalties and/or fines shall be imposed:

a. imprisonment of six (6) months and one (1) day to one (1) year and a fine of Fifty Thousand Pesos (P50,000.00) to One Hundred Thousand Pesos (P100,000.00), if inflicted or undertaken against species listed as critical;

b. imprisonment of three (3) months and one (1) day to six (6) months and a fine of Twenty Thousand Pesos (P20,000.00) to Fifty Thousand Pesos (P50,000.00), if inflicted or undertaken against endangered species;

c. imprisonment of one (1) month and one (1) day to Three (3) months and a fine of Five Thousand Pesos (P5,000.00) to Twenty Thousand Pesos (P20,000.00), if inflicted or undertaken against vulnerable species;

d. imprisonment of ten (10) days and one (1) month and a fine of One Thousand Pesos (P1,000.00) to Five Thousand Pesos (P5,000.00), if inflicted or undertaken against species listed as other threatened species;

e. imprisonment of five (5) days to ten (10) days and a fine of Two Hundred Pesos (P200.00) to One Thousand Pesos (P1,000.00), if inflicted or undertaken against other wildlife species.

All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be ipso facto forfeited in favor of the government: Provided, That where the ownership of the aforesaid conveyances belong to third persons who has no participation in or knowledge of the

illegal acts, the same may be released to said owner. The apprehending agency shall immediately cause the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.

If the offender is an alien, he shall be deported after service of sentence and payment of fines, without any further proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

Rule 28.1 For purposes of this Order, the list of critically endangered species shall also include those listed under Appendix 1 of CITES while endangered species shall also include those listed under Appendices II and III. Other wildlife shall refer to non-threatened species.

Rule 28.2 The last paragraph of this Section on the increase of the amounts of the fines by ten percent (10%) every after three (3) years to be reckoned from the effectivity of RA No. 9147 shall take effect automatically without the issuance of regulations.

Rule 28.3 Upon apprehension, all wildlife, its derivatives or by-products and all paraphernalia, tools and conveyances used in connection with any of the violations mentioned in Section 28 shall be automatically confiscated without the benefit of court order and kept in custody by the concerned agency. The apprehending agency, after documentation of all seized/recovered wildlife, shall immediately cause the transfer of all seized or recovered wildlife to the nearest Wildlife Rescue Center, provided that all perishable and consumable items still fit for human or animal consumption shall be donated to non-profit, charitable or penal institutions or wildlife rescue centers.

Rule 28.4 In case of conveyances belonging to third persons who have no participation in or knowledge of the illegal acts committed as determined by the court, the same shall be released to said owner only upon order of the court.

Chapter VI
Miscellaneous Provisions

SECTION 29. Wildlife Management Fund - There is hereby established a Wildlife Management fund to be administered by the Department as a special account in the National Treasury. It shall finance rehabilitation or restoration of habitats affected by acts committed in violation of this Act and support scientific research, enforcement and monitoring activities, as well as enhancement of capabilities of relevant agencies.

The Fund shall derive from fines imposed and damages awarded, fees, charges, donations, endowments, administrative fees or grants in the form of contributions. Contributions to the Fund shall be exempted from donor taxes and all other taxes, charges or fees imposed by the government.

Rule 29.1 A Wildlife Management Fund shall each be established by the DENR, the DA and PCSD, pursuant to Section 29 of RA No. 9147.

Rule 29.2 The Wildlife Management Funds shall be used by the DENR, the DA or the PCSD, to finance their respective activities, such as rehabilitation or restoration of habitats affected by acts committed in violation of said Act, support to scientific researches, enforcement and monitoring activities as well as enhancement of capabilities of relevant agencies; Provided that funds generated from the use of wildlife resources within protected areas shall accrue to the Integrated Protected Area Fund in accordance with RA 7586.

Rule 29.3 The Fund shall be derived from fines imposed for violations of RA 9147 as appropriated under Section

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29 thereof and damages awarded, fees, charges, donations, endowments, administrative fees or grants in the form of contributions and such other revenues as may be derived from wildlife-related activities such as but not limited to entrance fees, bioprospecting fees, permit fees of all kinds, auction or direct sale of captive, confiscated, donated or turned-over wildlife and their by-products or derivatives, paraphernalia, tools, and the like.

Rule 29.4 Contributions to the Fund shall be exempted from donor taxes and all other taxes, charges or fees imposed by the government subject to existing rules and regulations.

Rule 29.5 The respective Wildlife Management Funds of the DENR, DA or PCSD shall be administered by the DENR through PAWB and the Regional Offices, the DA through the BFAR or the PCSD through the PCSD Staff, as the case may be, as the special account in the National Treasury. For this purpose, the Secretary or the Council shall create a special body within PAWB, BFAR, or PCSD Staff, as the case may be, to decide on fund collection, allocation and disbursement system, including the creation of sub-funds, where necessary.

SECTION 30. Deputation of Wildlife Enforcement Officers - The Secretary shall deputize wildlife enforcement officers from non-government organizations, citizens groups, community organization and other volunteers who have undergone the necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law enforcement agencies shall designate wildlife enforcement officers. As such, the wildlife enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.

Rule 30.1 The Secretary or the Council or their authorized representatives shall deputize as Wildlife Enforcement Officers (WEOs), individuals who have undergone and passed training on basic knowledge of wildlife laws, rules and regulations; CITES provisions; wildlife identification; basic training in the preparation of reports, affidavits, sworn statement, seizure and turn-over receipt, inventory report, filing of complaint in court, inspection procedure/safety, surveillance, smuggling techniques, method of concealment, documentation of frauds and detection of falsified or invalid documents, and prosecution of wildlife cases.

Rule 30.2 The Philippine National Police, Armed Forces of the Philippines, National Bureau of Investigation, Philippine Coast Guard and other law enforcement agencies shall furnish the DENR, DA and PCSD with the list of their employees designated as wildlife enforcement officers who shall have undergone the necessary training for this purpose.

Rule 30.3 Wildlife Enforcement Officers must possess the following qualifications:

a. Must be a resident of, or assigned to, the area specified in the deputation/designation order;

b. Must be able to read and write;

c. Must be at least 18 years and not more than 60 years old;

d. Must be physically fit and mentally sound;

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e. Of good moral character; and,

f. Willing to perform and undertake the functions and duties of a wildlife enforcement officer.

Rule 30.4 The Wildlife Enforcement Officers shall perform the following duties and responsibilities:

a. Seize illegally collected, possessed and/or traded wildlife, or parts, by-products and/or derivatives thereof;

b. Arrest even without warrant any person who has committed, is committing, or is about to commit in his presence any of the offenses provided under the Act and other relevant laws, rules and regulations;

c. Assist in the conduct of surveillance and monitoring of wildlife-related activities;

d. Deliver the arrested offender within reasonable time to the nearest police station and assist in filing the proper complaint with the appropriate official designated by law to conduct preliminary investigation;

e. Deliver within reasonable time to the nearest CENRO, PENRO, or DENR Regional Office or BFAR Regional/Provincial Offices or PCSDS District Management Office for custody all confiscated wildlife, their parts, by-products and/or derivatives, as well as tools, equipment and conveyances used in the commission of the crime, including corresponding reports;

f. Act as witness in court for the speedy prosecution of criminal complaints against wildlife violators;

g. Prosecute cases before Municipal Trial Courts in areas where there are no prosecutors;

h. Submit monthly accomplishment reports to the concerned field offices with jurisdiction over their area of operations;

i. Coordinate with other law enforcement agencies for security reasons, if necessary; and

j. Perform such other duties as may be assigned by the Secretary or Chairman or the duly authorized representative from time to time.

Rule 30.5 The Secretary or the Council shall prescribe the requirements and procedures for the deputation of wildlife enforcement officers in their respective agency's regulations.

Rule 30.6 The deputized Wildlife Enforcement Officers under this Order shall be entitled to reasonably daily

living and transportation allowances, per diems, hazard pay, health care and medical assistance, free legal assistance in case of harassment suits and in the prosecution of wildlife cases, honoraria, and insurance coverage, financial assistance, where appropriate, all to be funded from the Wildlife Management Fund and/or regular appropriations of each agency, subject to availability of funds and the usual accounting and auditing rules and regulations.

Rule 30.7 Existing deputized members of NGOs, POs or DENROs may be deputized as WEOs following the procedures prescribed by the Secretary or Council pursuant to Rule 30.5.

SECTION 31. Establishment of National Wildlife Research Centers - The Secretary shall establish national wildlife research centers for terrestrial and aquatic species to lead in the conduct of scientific researches on the proper strategies for the conservation and protection of wildlife, including captive breeding or propagation. In this regard, the Secretary shall encourage the participation of experts from academic/research institutions and wildlife industry.

Rule 31.1 The Secretary shall each establish National Wildlife Research Centers for species under their respective jurisdiction or shall create Wildlife Research Units within existing research institutes, as the case may be.

Rule 31.2 The participation of experts from academic/research institutions and the wildlife industry in scientific researches to be undertaken by the Center shall be encouraged.

Rule 31.3 The Council may establish Wildlife Research Centers in the Province of Palawan.

SECTION 32. Wildlife Rescue Center - The Secretary shall establish or designate wildlife rescue centers to take temporary custody and care of all confiscated, abandoned and/or donated wildlife to ensure their welfare and well-being. The Secretary shall formulate guidelines for the disposition of wildlife from the rescue centers.

Rule 32.1 The Secretary or the Council shall establish wildlife rescue centers in the Regional Offices of the DENR or DA or District Management Offices of the PCSD based on a set of criteria that may hereinafter be promulgated. The Center shall be under the direct supervision of the Protected Areas and Wildlife Division, Fisheries Resources Management Division or PCSDS, as the case may be. The Regional Office/PCSDS shall provide the necessary responsible technical staff and animal/nursery caretaker(s) to efficiently managed the center.

Rule 32.2 Existing accredited wildlife rescue centers are hereby recognized as temporary holding facilities until such time that the regional wildlife rescue centers shall have been established. The Secretary or Council may enter into a MOA with other government and private institutions for the establishment of WRC which shall be in accordance with the standards prescribed by the Secretary or the Council.

Rule 32.3 A greenhouse/nursery facility shall be established for the maintenance of retrieved, donated and confiscated plants. This should be strategically located near the water source. Such facility should be spacious enough to provide adequate room for the growth of the plants.

Rule 32.4 The PAWB/BFAR Director or the DENR/DA-BFAR Regional Executive Director/Regional Director or PCSD Staff District Management Office, as the case may be is authorized to dispose animals/plants presently maintained at Wildlife Rescue Centers established pursuant to this Order. This may be done through release or replanting, donation, loan, sale, exchange, transfer to other government projects repatriation, or euthanasia, in accordance with the guidelines that shall be promulgated by the Secretary or Council for the purpose. Pending issuance of the guidelines, existing pertinent rules and regulations shall apply. Confiscated wildlife which is/are subject of judicial proceedings shall not be disposed unless authority is obtained from the proper court.

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32.5 The Secretary or the Council shall promulgate rules or resolutions establishing protocols for the disposition of stranded, abandoned, injured, wounded, or accidentally caught wildlife maintained in wildlife rescue centers.

SECTION 33. Creation of Wildlife Traffic Monitoring Units - The Secretary shall create wildlife traffic monitoring units in strategic air and seaports all over the country to ensure the strict compliance and effective implementation of all existing wildlife laws, rules, and regulations, including pertinent international agreements.

Customs officers and/or other authorized government representatives assigned at air or seaports who may have intercepted wildlife commodities in the discharge of their official functions shall, prior to further disposition thereof, secure a clearance from the wildlife traffic monitoring unit assigned in the area.

Rule 33.1 The Wildlife Traffic Monitoring Units (WTMUs) shall be created by the DENR Secretary or Council at strategic or air and seaports to ensure strict compliance and effective implementation of existing wildlife laws, rules and regulations, including CITES. The team shall undergo the necessary training for this purpose. Existing WTMUs shall continue to function as such in accordance with the provisions hereof.

For the DA-BFAR, existing quarantine units in air and seaports are hereby designated as WTMUs. The Council shall likewise create Wildlife Traffic Monitoring Units within the Province of Palawan, with assistance from DA and DENR. A mechanism will have to be developed for this purpose.

Rule 33.2 The WTMUs shall have the following duties and functions:

a. Enforce existing wildlife laws, rules and regulations and such other orders or regulations promulgated thereunder for the protection of wild fauna and flora;

b. Inspect and verify shipments of wildlife, its by-products and derivatives for export, re-export, import and local transport;

c. Seize and confiscate illegally collected, possessed and traded wildlife, by-products and derivatives in favor of the government or refuse clearance when there are reasonable grounds to believe that existing wildlife laws, rules and regulations, or the CITES have been violated.

d. Arrest even without warrant any person who has committed, is committing, or is about to commit in his presence any of the offenses provided under the Act and other relevant laws, rules and regulations;

e. Coordinate with the customs officers and/or other government authorities at the air or seaports in the performance of their duties and responsibilities;

f. Conduct investigation and receive evidence regarding the commission of any of the offenses defined under RA 9147 or this Order within their area of assignment, whether or not the offense was committed in their presence.

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g. Turn-over confiscated wildlife, by-products or derivatives to designated Wildlife Rescue Centers nearest their post or station; and

h. Promote and disseminate information on the conservation and protection of wildlife;

Rule 33.3 Members of the WTMUs shall be entitled to transportation allowance, per diems, hazard pay and free legal assistance in case of harassment suits and in the prosecution of wildlife cases, all to be funded from the Wildlife Management Fund and/or the regular appropriations of the Regional Office concerned subject to availability of funds and to usual accounting rules and regulations.

SECTION 34. Exemption from Taxes - Any donation, contribution, bequest, subsidy or financial aid which may be made to the Department of Environment and Natural Resources or to the Department of Agriculture and to NGOs engaged in wildlife conservation duly registered with the Securities and Exchange Commission as certified by the local government unit, the Department of Environment and Natural Resources or the Department of Agriculture, for the conservation and protection of wildlife resources and their habitats shall constitute as an allowable deduction from the taxable income of the donor and shall be exempt from donor's tax.

SECTION 35. Flagship Species - Local government units shall initiate conservation measures from endemic species in their areas. For this purpose, they may adopt flagship species such as the Cebu black shama (Copyschus cebuensis), tamaraw (Bubalus mindorensis), Philippine tarsier (Tarsius syrichta), Philippine teak (Tectona philippinensis), which shall serve as emblems of conservation for the local government concerned.

Rule 35.1 The Legislative Council for local government units shall enact ordinances implementing this Section. They may seek technical assistance from the DENR, DA or PCSD in adopting conservation measures for their adopted flagship species.

SECTION 36. Botanical Gardens, Zoological Parks and Other Similar Establishments - The Secretary shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and other similar establishments for recreation, education and conservation.

Rule 36.1 The Secretary and the Council shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and similar establishments for recreation, education, and conservation purposes within their respective jurisdictions in accordance with the rules established under Section 4 hereof.

Rule 36.2 The following requirements shall be submitted to the DENR/DA Regional Office concerned or PCSDS for evaluation:

a. Letter of Intent with Project Proposal, indicating among others, species, quantity and source of stocks to be maintained, management schemes/operations;

b. Development Plan to include physical/structural plan of facilities and location map;

c. Latest income tax return or financial statement showing financial capability;

d. Proof of technical and management capability (list of manpower);

e. Environmental Compliance Certificate or other appropriate clearance from EMB Regional Office concerned;

f. Permit to Operate from the Local Government Unit concerned;

g. Payment of application and processing fee; and

h. Others as may be required.

Rule 36.3 Upon compliance with the requirements, the DENR/DA/PCSD shall conduct an assessment of the area. The approval of the application by the Regional Executive Director/Regional Director/Council shall be in the form of a Clearance to Operate the facility and manage the wildlife stock thereat upon payment of corresponding fee.

Rule 36.4 General considerations for botanical gardens, zoos and other similar establishments:

a. Welfare of the animals. Management and maintenance of animals in the facility shall be given paramount consideration.

b. Acquisition of stock. Wildlife species shall be acquired from facilities/sources with permit from the DENR/DA-BFAR/PCSD, including wildlife rescue centers.

c. Transfer, sale and/or exchange of animals/threatened plants among zoos/botanical gardens. Transfer, sale, and/or exchange of wildlife species should be consistent with pertinent provisions of this Order. All transactions shall be recorded and documented for monitoring purposes.

Rule 36.5 Existing zoos and other similar establishments previously accredited by the DENR shall be assessed based on the requirements specified in the rules under this Section and subsequent regulations to be promulgated. Facilities that do not satisfy said requirements shall be made to comply thereto and shall be issued the corresponding permit.

SECTION 37. Implementing Rules and Regulations - Within twelve (12) months following the effectivity of this Act, the Secretaries of the Department of Environment and Natural Resources and the Department of Agriculture, in coordination with the Committees on Environment and Ecology of the Senate and the House of Representatives, respectively, shall promulgate respective rules and regulations for the effective implementation of this Act. Whenever appropriate, coordination in the preparation and implementation of rules and regulations on joint and inseparable issues shall be done by both Departments. The commitments of the State to international agreements and protocols shall likewise be a consideration in the implementation of this Act.

Rule 37.1 The Secretary or Council shall promulgate procedural guidelines and/or subsequent rules and regulations for the implementation of this Order.

SECTION 38. Appropriations - The amount necessary to initially implement the provisions of this Act shall be charged against the appropriations of the Department of Environment and Natural Resources in the current

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General Appropriations Act. Thereafter, such sums as may be necessary to fully implement the provisions of this Act shall be included in the annual General Appropriations Act.

Rule 38.1 The DENR/DA and PCSD shall henceforth request additional appropriations from Congress for the implementation of this IRR.

SECTION 39. Separability Clause - Should any provision of this Act be subsequently declared as unconstitutional, the same shall not affect the validity or the legality of the other provisions.

Rule 39.1 Should any provision of this Implementing Rules and Regulations be declared as unconstitutional or legally infirm, the same shall not affect the validity or legality of other provisions.

SECTION 40. Repealing Clause - Act Nos. 2590 and 3983, Commonwealth Act No. 63, as amended, Presidential Decree No. 1219, as amended, Republic Act No. 6147, and other laws, orders and regulations inconsistent herewith are hereby repealed or amended accordingly.

Rule 40.1 Provisions of EO 247 and its Implementing Rules and Regulations inconsistent with the Act and this Order are deemed amended.

SECTION 41. Effectivity - This Act shall take effect fifteen (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

Rule 41.1 The Implementing Rules and Regulations shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and after fifteen (15) days from registration with the Office of the National Administrative Register.

Adopted: 18 May 2004

(SGD.) ELISEA G. GOZUN
Secretary
Department of Environment and Natural Resources

(SGD.) LUIS P. LORENZO, JR.
Secretary
Department of Agriculture

(SGD.) VICENTE A. SANDOVAL
Chairman
Palawan Council for Sustainable Development

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

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