

Joint DENR-DA-PCSD Administrative Order No. 01

May 18, 2004

**SUBJECT : 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, Appropriating Funds
Therefore and For Other Purposes”**

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 I

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 their 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 scientific 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 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” refers 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 or 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 extinction;*

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 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