

DENR Administrative Order
No. 97-17
April 29, 1997

SUBJECT : Establishing the Disposition Program for Confiscated and Donated Wildlife in the Custody of DENR Wildlife Rescue Centers and Similar DENR Facilities and Providing Guidelines Therefor

Pursuant to Executive Order 192, Presidential Decree 705, as amended and Republic Act 2590, as amended, and in order to ensure the well-being of confiscated and donated wildlife and enhance their utilization through useful dispersal, a program on the disposition of wildlife and wildlife by-products and derivatives, under the custody of DENR Wildlife Rescue Centers and similar DENR facilities, such as captive breeding and rehabilitation centers, nurseries, and the like, is hereby established and guidelines for the implementation of the same is hereby provided for guidance of all concerned.

Section I. Definition of Terms

The following terms as used in this Order shall be construed to mean as follows:

- 1.1 Wildlife — refers to wild forms and varieties of flora and fauna including bred or propagated individuals, derivatives and by-products.
- 1.2 Wildlife by-product — refers to any part taken from wildlife species such as meat, hides, antlers, fur, feather, feces, internal organs, roots, trunks, branches, leaves, stems, seeds, flowers, carapace, and the like, or whole dead body of wildlife in its

- preserved/stuffed state. It also includes items produced out of or utilizing wildlife or any of its part.
- 1.3 Derivative — refers to something extracted from wildlife species such as blood, oils, resin, genes, spores, pollen, and the like; a compound directly or indirectly produced from wildlife and/or products produced from wildlife and wildlife by-products;
 - 1.4 Exchange — refers to the act whereby a party binds himself to give wildlife in consideration of the other party's commitment to give another or the same species of wildlife.
 - 1.5 Donation — refers to the act of magnanimity whereby a party disposes wildlife in favor of another party free of charge.
 - 1.6 Loan — the act of granting temporary custody of certain wildlife for educational and/or scientific research purposes.
 - 1.7 Reintroduction — an attempt of reestablishing the population of a species or subspecies of wildlife in a location where it has historically occurred but is now extinct.
 - 1.8 Introduction — refers to the purposeful act of transferring wildlife by man into an area outside its natural range or where it has not previously occurred.
 - 1.9 Restocking — the process of replenishing an existing population of wildlife with additional individuals of the same species or subspecies within its range;
 - 1.10 Sale — refers to the act of selling wildlife for an agreed price;
 - 1.11 Euthanasia — refers to the practice of killing or putting to death wildlife in a painless and humane manner.
 - 1.12 Repatriation — refers to the act of returning wildlife, their products, and/or derivatives to the country of origin.
 - 1.13 Threatened — a general term to denote wildlife which are in danger of extinction and includes those which are considered as endangered, vulnerable, rare, indeterminate or insufficiently known.

- 1.14 Captive breeding — refers to the act of producing or propagating species of wildlife in an environment that is manipulated/controlled by man. General characteristics of a controlled environment may include, but not necessarily limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

Section II. General Conditions

- 2.1 Animals that are in heat, pregnant, supporting/suckling a young, still dependent on the parents for survival, or recuperating from sickness, injuries or diseases, shall not be subject to disposition unless otherwise approved by the Secretary, DENR;
- 2.2 Confiscated wildlife which are subject of judicial proceedings shall not be disposed of unless proper authority for their disposition is obtained from the court where the case is filed;
- 2.3 Euthanasia shall be applied only to animals that are afflicted with fatal or communicable diseases or are suffering from serious and severely infected injuries and wounds which are beyond treatment, or incapacitated due to loss or degeneration of vital organs/parts of the body as certified to by the designated Veterinarian. In the absence of a designated Veterinarian in the Regional Offices, any registered Veterinarian may issue the necessary certification;
- 2.4 Any species of wildlife including those threatened with extinction may be loaned to and/or exchanged with other or similar species with capable DENR-accredited zoos and recognized local and foreign scientific institutions/academe for the purpose of captive breeding and/or maintaining the species' genetic viability;
- 2.5 Release of animals to the wild shall be subject to assessment of the species' physical health condition, ecological and biological needs, release site, socio-economic conditions in release site, and post-

release programme; Provided that recently caught animals may be released immediately to the capture site upon certification by the designated/authorized Veterinarian that the same is in good health;

- 2.6 All wildlife disposed of through loan, re-introduction, introduction or restocking, including their progenies remain property of the Philippine government and shall be subject to monitoring and assessment by DENR thru its concerned Offices and/or authorized representatives, periodically or whenever deemed necessary;
- 2.7 Preserved specimens of Philippine wildlife, shall be deposited at the National Museum of the Philippines or may be donated or loaned to scientific institutions, academe, local and national government offices, and local NGOs signifying interest to acquire same for educational and/or scientific purposes;
- 2.8 Sale shall be limited to wildlife by products and derivatives, to species or subspecies which are allowed for commercial propagation, e.g. orchids, monkeys and butterflies, or rather species and sub-species as provided under Subsection IV.F of this Order.
- 2.9 The ownership of animals disposed of through donation and/or exchange including the progenies produced after the execution of deed of donation/exchange shall be conferred to the recipient.
- 3.0 Local institutions, organizations, agencies, or entities shall be the priority recipients of wildlife, its by-product, or derivative disposed of through exchange, loan or donation.

Section III. Accountability

All wildlife, including derivatives and by-products, turned over or donated to DENR Wildlife Rescue Centers and similar DENR facilities, as well as accessories accompanying the wildlife, such as, cages, feeders, stands, and others, must be accounted for in official records. Identification

number/tag should be assigned to the specimen's permanent record card which must contain the following information, whenever appropriate and applicable:

- a) Description of the wildlife, including name (scientific, common, and given names), age and sex;
- b) The source (specific site) and date of acquisition;
- c) The mode of acquisition (i.e. whether collected from the wild, purchased, or donated);
- d) The place and date of seizure;
- e) Accessories accompanying the wildlife, including quantity and detailed descriptions;
- f) The name and address of donor or person from whom the wildlife was seized;
- g) The investigative case file number with which the wildlife was associated, and investigating body/officer (if confiscated);
- h) The date, place and manner of initial disposition;
- i) The name of the official responsible for the initial disposition and the receiving Officer, agency, institution, organization or entity;
- j) The condition of the wildlife when turned over/donated.

Section IV. Disposition

4.1 The Director, PAWB or the concerned Regional Executive Director, and hereinafter referred to as Director, may dispose of any confiscated and donated wildlife by one of the following means subject to the processes and limitations provided for in this Order:

- a) Release to the wild/Repatriation
- b) use by the DENR Projects or transfer to another government agency for official use
- c) Exchange
- d) Loan

- e) Sale
- f) Donation
- g) Euthanasia

4.2 The Director shall dispose of wildlife according to the following schedule:

4.2.1 Any wildlife and wildlife by-products and derivatives that the Director determines as liable to perish, deteriorate, waste, or greatly decrease in value by keeping, or that the expense of keeping is disproportionate to its value may be disposed of immediately;

4.2.2 All other wildlife may be disposed of not earlier than 60 days after forfeiture or donation.

Sub-Section IV.A. Release to the Wild/Repatriation

4.a. 1 Release to the Wild

4.a.1.1 Subject to the release program which shall be established by the Protected Areas and Wildlife Bureau, any live species of indigenous wild fauna which is capable of surviving in the wild may be released through restocking, reintroduction, or introduction in protected areas within the species' geographical range in the order in which the release methods appear in this sentence; Provided, however, that such release poses no imminent danger to the local population of wildlife in the area or to public health and safety; Provided further, that such release is complementary to the approved plans and programs for the protected area (release site).

4.a.1.2 Any live species of native wild flora which is capable of surviving may be transplanted in suitable habitat within a protected area in a pre-determined and limited space or within the historical range of the species with the permission of the landowner as the case warrants;

4.a.2 Repatriation

4.a.2.1 Any live species of exotic wildlife may be repatriated to one of the following countries for possible release to their natural habitat or final disposition in accordance with the provision of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):

- a) The country of export/origin (if known) after consultation with and at the expense of such country; or
- b) A country within the historic range of the species which is party to the CITES after consultation with and at the expense of such country.

4.a.2.2 In the event that the country of origin or country within the historic range of the species decides not to have the exotic wildlife repatriated, the Director may have the option to maintain or dispose them through exchange, donation or loan, subject to conditions provided for under Sub-sections IV.C, IV.D and IV.E of this Order and prior clearance from the country of origin.

Sub-Section IV.B. Use by DENR Projects or Transfer to Another Government Agency

4.b.1 Any wildlife may be used by the DENR Projects or transferred to another government agency, including foreign agencies, for official use, including but not limited to one or more of the following purposes:

- 1) Enhancing the propagation or survival of a species and for other scientific purposes;
- 2) Training government officials/employees to enhance their technical capabilities in the performance of their official duties;
- 3) Educating the public concerning the conservation of wildlife;
- 4) Conducting law enforcement operations in performance of official duties;
- 5) Presenting as evidence in a legal proceeding involving the wildlife; and,
- 6) Identification purposes including forensic identification, taxonomic studies and other scientific researches, subject to the provisions of Executive Order No. 247, where appropriate and applicable.

4.b.2 Each transfer and the terms of the transfer must be documented;

4.b.3 The agency receiving or benefiting from the wildlife may be required to bear all costs of care, storage, and transportation in connection with such transfer from the date of delivery.

Sub-Section IV.C. Exchange

4.c.1 Any wildlife species may be exchanged with other or similar species with capable DENR-accredited zoos and recognized local

and foreign scientific/research/academic institutions for the following purposes only:

1. To propagate the species for conservation and scientific research purposes and not in any manner to be used commercially, including the ensuing progenies; and,
 2. To promote genetic heterogeneity and/or maintain the species' genetic viability.
- 4.c.2 Endemic species at DENR-WRC and similar DENR facilities shall not be exchanged with exotic species;
- 4.c.3 Exotic species at DENR-WRC and similar DENR facilities can be exchanged with endemic species;
- 4.c.4 Any exchange shall only be made after the execution of a Wildlife Exchange Agreement between the Director and the other party concerned, indicating therein the animals subject for exchange and other conditions as may be mutually agreed upon by both parties;
- 4.c.5 The ownership of the animals disposed of through exchange, including the ensuing progenies shall be conferred to the recipient.

Sub-Section IV.D. Donation

- 4.d.1 Except as otherwise provided for in this Subsection, wildlife may be donated for scientific, educational, official or public display purposes to any public or private institution, organization, or agency, both local and foreign, who demonstrates the ability to provide adequate care and security for the wildlife or specimen; Provided that, no live specimens of threatened and CITES

Appendix I species shall be donated for whatever purpose, unless authorized by the Secretary, DENR.

4.d.2 Any donation may be made only after execution of a Deed of Donation document between the Director and the donee, subject to the following conditions:

- 1) The purpose for which the wildlife are to be used must be stated in the deed of donation;
- 2) Any attempt by the donee to use the donated wildlife for any other purpose except as stated on the deed of donation entitles the Director to immediate repossession of the wildlife without the need of revoking the deed of donation;
- 3) The donee must pay all costs associated with the donation, including the costs of care storage, transportation, and return to the source, if and when the donation has been cancelled for cause in accordance with item number 9 of this sub-section;
- 4) The donee may be required to account periodically for the donation. Provided, that information relating to the birth or death of donated wildlife should be provided to the Director immediately upon the occurrence of said natural phenomena;
- 5) The donee is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife imposed by the laws or regulations of the Philippines or any states, including any applicable health quarantine, agricultural, or Customs laws or regulations;
- 6) Any attempt by the donee to retransfer the donation during the period specified in the deed of donation within which the donee may not retransfer the donation without the prior authorization of the Director, entitles the Director to immediate repossession of the wildlife;

- 7) Subject to applicable limitations of law, duly authorized DENR Officers and employees at all reasonable times shall, upon notice, be afforded access to the place where the donated wildlife is kept and an opportunity to inspect it;
- 8) Any donation is subject to conditions specified in the donation document, the violation of which causes the property to revert to the Philippine Government thru the DENR;
- 9) Any donation is lifetime unless cancelled due to violation of any of the conditions specified in the deed of donation and provisions of this Order;

4.d.3 Edible wildlife, fit for human consumption, may be donated to a non-profit, tax-exempt charitable organization/s for use as food, but not for barter or sale.

Sub-Section IV.E. Loan

- 4.e.1 Except as otherwise provided for in this Subsection, wildlife may be loaned for conservation propagation, scientific researches, educational, official or public display purposes to any institution, organization, or agency, both local and foreign, who demonstrates the ability to provide adequate care and security for the wildlife or specimens; Provided that, threatened and CITES I species of live individuals shall not be loaned primarily for display purposes only;
- 4.e.2 Any loan may be made only after the execution of a Wildlife Loan Agreement between the Director and the borrower, subject to applicable provisions of Executive Order No. 247 and to the following conditions, among others:

- 1) The purpose for which the wildlife are to be used and the duration of the loan as may be mutually agreed upon by concerned parties must be stated in the loan document;
- 2) Any attempt by the borrower to use the loaned wildlife for any other purpose except as stated on the loan document entitles the Director to immediate repossession of the wildlife without the need of revoking the loan document;
- 3) The borrower must pay all costs associated with the loan, including the cost of care storage, transportation, and return to the source, if and when the loan document has expired and/or has been cancelled for cause in accordance with item number 11 of this sub-section;
- 4) The borrower shall be required to account periodically or report regularly on the status of the loaned wildlife. Any mortality resulting from negligence of the borrower as may be established by an investigating body created by the Director for the purpose is a sufficient ground for the cancellation of the loan document and payment of all expenses relative to the conduct of investigation and value of the lost wildlife to be determined by the Director. All revenues derived therefrom shall accrue to the National Treasury;
- 5) The borrower is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife imposed by the laws or regulations of the Philippines or any states, including any applicable health quarantine, agricultural, or Customs laws or regulations;
- 6) Any attempt by the borrower to retransfer the loaned wildlife during the period specified in the loan document within which the borrower may not retransfer the loaned wildlife without the prior authorization of the Director, entitles the Director to immediate repossession of the wildlife;

- 7) Subject to applicable limitations of law, duly authorized DENR Officers and employees at all reasonable times shall, upon notice, be afforded access to the place where the loaned wildlife is kept and an opportunity to inspect it;
- 8) Any loan is subject to conditions specified in the loan agreement, the violation of which causes the immediate cancellation of the agreement even without prior notice to the borrower and repatriation of the loaned wildlife at the expense of the borrower;
- 9) Any loaned wildlife remains property of the Philippine government and may be retrieved anytime by the government as deemed necessary.

Sub-Section IV.F. Sale

- 4.f.1 Wildlife, by-products and derivatives may be sold or offered for sale if the Director determines that it is liable to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping it is disproportionate to its value.
- 4.f.2 Wildlife that are allowed for commercial propagation, such as orchids, monkeys and butterflies may be sold or offered for sale to legitimate wildlife farm permittees at fair market value.
- 4.f.3 Other species or subspecies of wildlife may be sold or offered for sale as determined by the Director, except when at the time it is to be sold or offered for sale the species/subspecies falls under one of the following categories:

- 4.f.3.1 Protected under Republic Act 2590 of 1916, as amended, and other existing laws on wildlife conservation;
- 4.f.3.2 Listed in Appendix I of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES);
- 4.f.3.3 Listed in the International Union for the Conservation of Nature and Natural Resources (IUCN) Red Data Book of Endangered Wildlife; and
- 4.f.3.4 Listed as species for priority concern for protection and conservation under a DENR Administrative Order.
- 4.f.4 Sale of wildlife must be in accordance with existing rules and regulations of the Commission on Audit (COA).
- 4.f.5 Wildlife purchased at sale are subject to applicable health, quarantine, agricultural or customs laws or regulations as may be required by concerned government entity or agency.
- 4.f.6 The proceeds of sale shall accrue to the Philippine Government thru the National Treasury, or to the IPAS Trust Fund if confiscated items are determined to have originated from protected areas.

Sub-Section IV.G. Euthanasia

Wildlife which are euthanized must be recorded. The fact, manner, and date euthanasia was applied, as well as the species and/or subspecies and quantity euthanized must be certified by the official who actually performed the procedure.

Section V. Other Conditions

- 5.1 The Protected Areas and Wildlife Bureau is hereby directed to formulate a release program in accordance with internationally

recognized procedure/protocol in releasing wildlife back to their natural habitat not later than thirty days (30) from the effectivity of this Order.

- 5.2 All Wildlife Rescue Centers and similar DENR facilities should include environmental enrichment programs in their activities to prepare the live individuals for their eventual release to their natural habitat.

SECTION VI . **Effectivity and Repealing Clause**

This Order takes effect immediately and amends, supersedes or revokes all Orders, Circulars and Memoranda inconsistent herewith.

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