



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
MIMAROPA Region
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November 13, 2023

MEMORANDUM

FOR : **The Regional Executive Director**
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.,
Ermita, Manila

ATTENTION : The Assistant Regional Director for Technical Services

FROM : The Provincial Environment and Natural Resources Officer

SUBJECT : **TRANSFER OF FUNCTIONS TO PALAWAN COUNCIL FOR
SUSTAINABLE DEVELOPMENT REGARDING THE
IMPLEMENTATION OF WILDLIFE CONSERVATION AND
CHAINSAW ACTS**

FACTS

The Philippines, as mandated by its constitution, is committed to safeguarding and promoting the people's right to a balanced and healthful ecology. This commitment underscores the nations' recognition of the vital importance of environmental protection and the integration of sustainable development into decision-making processes. To uphold this commitment, the country has engaged in various multilateral environmental agreements and enacted legislation such as Republic Act (RA) 9147 entitles "Wildlife Resources Conservation and Protection Act of 2001," to protect wildlife species, forests, and other natural resources.

The Department of Environment and Natural Resources (DENR), is the primary agency generally vested with the power and authority to implement environmental laws and policies. However, in the Province of Palawan, there is a heightened emphasis on enforcing these laws owing to its designation as a Biosphere Reserve, and its abundant biodiversity and natural resources. Despite its status, the province faces increasing anthropogenic pressures on wildlife species and their habitats. The responsibility for conservation and wildlife protection falls upon various government agencies within the province, particularly the Palawan Council for Sustainable Development (PCSD), the Department of Environment and Natural Resources (DENR), and the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR). Collaborative efforts among these institutions involve regulatory measures, enforcement actions, public education, permitting compliance, surveillance, apprehension, and monitoring.

In particular, the creation of the PCSD through Republic Act No. 7611 otherwise known as the "Strategic Environmental Plan (SEP) for Palawan Act," effectively transferred jurisdiction of the DENR in the implementation of environmental laws and policies specifically, *Republic Act*



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No. 9147 or the Wildlife Resources Conservation and Protection Act of 2001 and Republic Act No. 9175 otherwise known as the Chainsaw Act of 2002, in the Province of Palawan.

Functions delegated to the PCSD based on RA 9147:

1. 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;
2. Issue permits/certifications/clearances;
3. 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 mechanisms; and
 - (d) Other natural or man-made factors affecting the existence of wildlife.
4. Designate critical habitats outside protected areas under Republic Act No. 7586, where threatened species are found.
5. Deputize wildlife enforcement officers from non-government organizations, citizens groups, community organizations and other volunteers who have undergone necessary training for this purpose.
6. 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.

Functions delegated to PCSD based on RA 9175 (Chainsaw Act of 2002)

1. Registration of Chainsaws¹;
2. Issue permits to import and manufacture chainsaws²; and
3. Administratively confiscate chainsaws which were not registered under PCSD Administrative Order No. 7, s. 2003

¹ Section 7, IRR of the Chainsaw Act

² Section 10, IRR of the Chainsaw Act



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APPLICABLE LAWS

Republic Act No. 7611 otherwise known as the Strategic Environmental Plan (SEP) for Palawan Act provides for a comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province. The Palawan Council for Sustainable Development was created for the governance, implementation and policy direction of the Strategic Environmental Plan.

Section 4 of Republic Act No. 9147 otherwise known as Wildlife Resources conservation and protection Act and its IRR provides that the Department of Environment and Natural Resources 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... **In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.**

Meanwhile, under **Joint DENR-DA-PCSD Administrative Order No. 01, dated May 18, 2004 or the Joint Implementing Rules and Regulations (IRR) pursuant to Republic Act No. 9147**, the following provisions explicitly provides for the functions of the PCSDS:

- a. 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 Palawan³;
- b. 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.⁴
- c. 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.**⁵

PCSD Administrative Order No. 12 Series of 2011 provides for the detailed guidelines in the implementation of Republic Act No. 9147 and Joint DENR-DA-PCSD Administrative Order No. 1. Accordingly, The Palawan Council for Sustainable Development (PCSD) pursuant to RA No. 7611, Section 4 of RA 9147 and Section 4.2 of DENR-DA-PCSD Administrative Order No. 01, shall exercise jurisdiction over all terrestrial and aquatic wildlife species found in the Province of Palawan. The management of wildlife resources found within protected areas shall be

³ Rule 4.2, IRR of RA 9147

⁴ Rule 4.8, IRR of RA 9147

⁵ Section 19, IRR of RA 9147



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governed by RA 7586 (NIPAS Act). Their utilization, however, of whatever nature contemplated under the provisions hereof shall be governed by this Order.⁶

Republic Act No. 9175 otherwise known as the Chainsaw Act of 2002 provides that in the implementation of the provisions of this Act, the Secretary shall issue the implementing rules and regulations within ninety (90) days upon approval of this Act. He shall likewise organize an office within the Department to ensure that requirements imposed by this Act may be complied with by qualified persons, within the shortest possible time, at the least possible expense. *In the province of Palawan, the provisions of this Act shall be implemented by the Palawan Council for Sustainable Development pursuant to Republic Act NO. 7611 or the Strategic Environmental Plan for Palawan.*

The designation to the PCSDS as the main implementer of the provisions of RA 9175 is likewise provided under **DENR Administrative Order No. 2003-24, series of 2003,⁷ and PCSD Administrative Order No. 07, s. 2003** or the implementing rules and regulations of the chainsaw Act of 2002.

The PCSD being the lead agency of the aforementioned laws was fully supported by the DENR Palawan in its implementation vis-à-vis the laws being implemented by the DENR Palawan.

RECOMMENDATION

Continuous collaboration in the implementation of RA 9147 and RA 9175 and other environmental laws, rules and regulations.


FELIZARDO B. CAYATOC

⁶ Section 1, PCSD Administrative Order No. 12 series of 2011

⁷ Section 4, DENR Administrative Order No. 2003-24