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**COMBATING ILLEGAL WILDLIFE TRADE AND
TRANSPORTATION IN PALAWAN**

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Abstract

In 2001, the Congress of the Republic of the Philippines enacted the Republic Act No. 9147, otherwise known as the “Wildlife Resources Conservation and Protection Act.” It was aimed at conserving and protecting wildlife species and their habitats to promote ecological balance and enhance biological diversity, as well as regulate the collection and trade of wildlife in the country. Accordingly, pursuant to these objectives, the law penalizes illegal wildlife trade and transportation. Nonetheless, despite the passage, such trades and transportations exist and continue to rise in the province of Palawan in the Philippines, branded as the country’s Last Ecological Frontier. This paper, using the method of content analysis and interviews, examined the reasons behind said illegal trades and transportations in the province to ascertain the causes for the increase of such cases vis-à-vis the efficacy of the present penal law. Finally, after taking into consideration the interplay of different factors, the paper recommends steps in addressing the problem with the hope of putting an end to such unlawful trades and transportations in Palawan.

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Keywords: Palawan, wildlife, trade, transportation, illegal.



1. Introduction

In the Philippines, the number of confiscated fauna skyrocketed from one hundred seventy-five (175) in 2002 to eight thousand seven hundred seventy-five (8,775) in 2015.¹ Recently, on July 6, 2017, the joint elements of Dumarán Municipal Police Station and Bantay Dumarán in Palawan intercepted a boat, owned by Rico, carrying dead critically endangered Hawksbill Turtles within the coastal vicinity of Bacao, Dumarán, all collected from Maytegued, Taytay, a town in the northern part of Palawan, to be brought to the southern part thereof which is known as a backdoor for wildlife trafficking.² Ironically, this transpired after the release back into the wild in the northern part of Puerto Princesa City of Southeast Asian Box Turtles, Asian Leaf Turtles, and Palawan Forest Turtles which were either turned over or confiscated in 2016 in an operation conducted by the personnel of Palawan Council for Sustainable Development Staff, Palawan Wildlife Rescue and Conservation Center, and Katala Foundation, Inc. on March 2, 2017. This thus suggests that, notwithstanding efforts to curtail illegal wildlife trades and transportations, these, unless drastically stopped, will continue to exist.

2. Problem Statement

In 2001, Republic Act (hereinafter RA) No. 9147, otherwise known as the “Wildlife Resources Conservation and Protection Act,” was enacted, aimed at conserving the country’s wildlife resources and their habitats for sustainability, echoed in the Joint DENR-DA-PCSD³ Administrative Order No. 01, dated May 18, 2004. Accordingly, Section 27 of the law declared it unlawful, unless otherwise allowed, for any person to wilfully and knowingly exploit wildlife resources and their habitats, or engage, among others, in unlawful wildlife trading and transportation. Evidently, this provides for a legal anchor for the prosecution of the violators thereof. Nevertheless, despite considering some acts of wildlife trade and transportation criminally punishable, there are still Ricos waiting for the right time to illegally trade and transport wildlife. With this, the paper examines the efficacy of the law in combating illegal wildlife trade and transportation in the Province of Palawan, Philippines. Particularly, it scrutinizes the reasons behind it, ascertains the causes for the increase thereof, and recommends steps to be taken. However, the study limited its scope to cases of wildlife trade and transportation in Palawan from 2010 to August 31, 2017.

3. Research Questions

The paper tries to provide answers to the following issues:

- 3.1** What is the definition of illegal wildlife trade and transportation?
- 3.2** What are the species subject of illegal wildlife trade and transportation in the province of Palawan from 2010 up to August 31, 2017?
- 3.3** What are the reasons boosting the illegal trade and transportation in the said province?

¹<http://www.denr.gov.ph/e-library/compendium-enr-statistic-2015.html> (last seen on December 1, 2017).

²<https://pcsd.gov.ph/igov/2017/07/31/70-dead-marine-turtles-seized-dumaran/>. (last seen on December 1, 2017).

³Referring to Department of Environment and Natural Resources, Department of Agriculture, and Palawan Council for Sustainable Development.

3.4 What are the actions taken to address the aforesaid reasons and ultimately, such trade and transportation?

4. Purpose of the Study

Considering the unceasing increase of cases of illegal wildlife trade and transportation even with the efficacy of R.A. No. 9147, this study will help us ascertain and analyze the value of the said law in battling the said cases and determine whether there is a need to amend it to incorporate some measures to drastically deter someone from committing further acts of illegal trade and transportation of wildlife.

5. Research Methods

Library and internet research were employed. In addition, visits were made to the relevant agencies, particularly the Biodiversity Management Bureau, the Palawan Council for Sustainable Development (hereinafter PCSD) in Palawan, the Katala Foundation in Palawan and the Regional Trial Court of Palawan, Branch 51, designated as a Green Court, and interviews of the officers thereof were conducted to personally gather information about the actual implementation and effectiveness of R.A. No. 9147 in combating illegal wildlife trade and transportation in Palawan.

6. Findings

Admittedly, the implementation of R.A. No. 9147 is replete with issues that need to be addressed to in order to effectuate the purpose the law. It is to be noted that there is no particular factor that solely causes the endless illegal wildlife trade and transportation in Palawan, as there is an interplay between and among these challenges which contribute to the existence of the crimes. These are:

1. Jurisdictional and institutional issues;
2. Land use and resource conflicts;
3. Poverty;
4. Limited wildlife refuge centers;
5. Inaction of the local government units;
6. Weak enforcement mechanism and strategy;
7. Corruption; and
8. Non-deterrent penalties.

First, the jurisdiction for the violation of R.A. No. 8550 and of other laws relating to marine species belongs to the Bureau of Fisheries and Aquatic Resources (hereinafter BFAR), while the jurisdiction for violation of R.A. No. 9147 and of Presidential Decree No. 705, otherwise known as the “Revised Forestry Code in the Philippines,” is vested upon Department of Environment and Natural Resources (hereinafter DENR). Even so, with the passing of R.A. No. 7611, otherwise known as the “Strategic Environmental Plan for Palawan Act,” these jurisdictions were conferred on PCSD. The problem is thus hinged on the overlapping functions of PCSD, BFAR, and DENR. Paragraph 10, Section 19 of R.A. No. 7611 obviously

gives the PCSD the authority to be the implementing agency of the relevant laws in Palawan. But similarly, it does not deny DENR and BFAR of exercising powers in relation to PCSD's function.⁴ Consequently, according to the PCSD personnel who asked not to be named, the overlapping of functions has an impact on the effective execution of the agency's mandate under R.A. No. 7611.

Second, land use and resource conflicts are areas of concern. Palawan, having the highest number of islands in the Philippines and highest number of endemic species, is rich in natural resources. However, this wealth of natural resources leads to problems like environmental crimes, ranging from wildlife smuggling, illegal logging, and mining. In fact, large-scale mining operations are converting vast tracts of land into open-pit mines, thus affecting Palawan's natural beauty. On top thereof, economic activities such as eco-tourism services or transportation tend to sacrifice environmental protection goals, while high rate of migration and high tourist arrival added to the increase in the pressure on the natural resources.⁵ In turn, local stakeholders are raising concerns about heightened risks of natural disasters such as landslides, environmental pollution, and loss of biodiversity.

Third, poverty is another issue of concern.⁶ According to the National Anti-Poverty Commission, the incidence of household poverty in Region IV-B was at 22 percent during the first half of 2015, while in the same year, the Department of Social Welfare and Development identified more than half a million poor women in the same area, most of whom, or 225,158 thereof, reside in Palawan. This poverty would instigate an engagement in the illegal wildlife trade and illegal wildlife transportation in Palawan which offers easy money. In fact, the would-be violators would rather take the risk than go home with an empty stomach.

Fourth, there are only a few wildlife refuge centers established for the purpose of conservation, recreation, and protection of wildlife. As many wildlife species face extinction, these can act as safeguard for their habitats and provide a safe space for the wildlife to breed and survive. Without these centers, wildlife species face the risk of becoming extinct. Unfortunately, many wildlife species today face extinction, mainly because their natural habitats are being steadily destroyed, thereby increasing the numbers of wildlife that needed to be rescued. Conversely, the limited number of centers provided would-be-violators a chance to get hold of these species and enjoy the benefits by trading or transporting them.

Fifth, the eagerness on the part of the local government to combat illegal wildlife trade and transportation in Palawan is wanting. Specifically, there are no particular programs addressing the root causes of the illegal wildlife trade and transportation or the apparent lack of teeth of R.A. No. 9147 in the implementation of its penal provisions. Truly, poverty and corruption remain an issue of critical concern in the fight to protect vulnerable fauna and against the destruction of the environment.

Sixth, the enforcement mechanism and strategies are weak. The local government and the communities in Palawan have a strong interest in ensuring that the illegal wildlife trade and transportation rules are strictly enforced, but they have drastically failed to address the issues, because of inadequate budgetary resources and insufficient technical skills and knowledge.

⁴Mayo-Anda, Gerthie. Interview with Richard B. Balucio and Francis R. Dayo. Personal Interview. Puerto Princesa City, September 1, 2017.

⁵ <https://pcsd.gov.ph/igov/e-library/#> (last seen on December 1, 2017).

⁶Mayo-Anda, Gerthie. Interview with Richard B. Balucio and Francis R. Dayo. Personal Interview. Puerto Princesa City, September 1, 2017.

The inadequate budgetary resources compromise the ability of detection and investigation agencies to fulfill their enforcement responsibilities effectively. Low salaries for detection and investigation positions make them unappealing to highly qualified applicants. As a result, the education level of many agents is quite low. While limited schooling does not necessarily preclude them from being excellent field agents, it may lead to inefficiencies in the handling of paper work or the preparation of cases. More so, the low salaries combined with a lack of recognition or reward structures may also contribute to high incidence of corruption or bribe-taking among field agents, prompting them not to pursue the case against the illegal trader and the illegal transporter. Clearly, these supposed personnel and equipment shortages that result from budget limitations affect enforcement quality, and the likelihood and success of prosecution and conviction.⁷

Likewise, insufficient technical skills and knowledge of the personnel hamper the effectiveness of the enforcement of the law. Effective detection requires a variety of skills, and the job of a detection agent or investigator can be challenging. Individual agents must have sufficient knowledge to identify an environmental violation, must be able to accurately assess the nature of the crime as well as the species and ecosystems involved, and must be adept in collecting evidence and doing paperwork so that prosecutors are well-equipped in court. The detection and investigation agencies must know how to plan patrols, mount proactive investigations, and help prosecutors build strong cases. Sadly, because of lack of investment in human capital, detection agents and investigators lacked many of these vital skills.

Seventh, the proliferation of corruption conflicts significantly with a conviction to battle wildlife degradation. According to AAA⁸ an employee of PCSD, there are many apprehensions. Most often, the accosted persons belong to highly organized, well-funded groups dedicated to the purpose of trading and transporting. They have the capacity to buy their liberty from any criminal prosecution. In this regard, although AAA did not exactly declare corruption at the investigation level or the prosecution level, he/she was firm in conveying that violation of R.A. No. 9147 was barely filed before the Green Court.

Eight, the penalties are non-deterrent. In the violation of R.A. No. 9147, fines have very little deterrent value, thereby hardly discouraging the criminal or potential criminals. Notably, the offenders would simply pay the fine, depending on what kind of species was involved, and upon payment thereof, he will leave prosecution-free. As a matter of fact, repeat offenders were manifest in some cases reported by the PCSD from 2010 to 2017.

7. Conclusion

R.A. No. 9147, coupled with various factors, is indeed ineffective in deterring cases of illegal wildlife trade and transportation in Palawan. Thus, recommendations are made to address the issues vis-à-vis the case of Palawan.

First, there must be a clear-cut definition of the respective jurisdictions of PCSD, DENR, and BFAR, to be realized through the amendment of the respective laws defining the agencies' functions or through

⁷PCSD Personnel. Interview with Richard B. Balucio and Francis R. Dayo. Personal Interview. Puerto Princesa City, August 31, 2017.

⁸Personal Interview with Richard B. Balucio and Francis R. Dayo. Personal Interview. Puerto Princesa City, August 31, 2017. Name is withheld due to the sensitivity of the issue.

the passing of a new law enumerating the metes and bounds of the functions of each agency to be architected in such a way that the existing overlapping of functions is remedied. In so doing, in order to avoid overlapping of function which may result in laxity of the enforcement of one believing that the other agency would do its function, any issue dealing with the natural resources of Palawan shall be solely vested upon PCSD. This does not mean that DENR and BFAR will absolutely be abrogated of any obligation. It is hereby suggested that DENR and BFAR shall render technical and information assistance to the PCSD in the discharge of its function.

Second, migration, tourism, and economic development are inevitable. Unfortunately, these compete with the reservation and conservation of the natural habitats of the wildlife. Hence, it is hereby recommended that R.A. No. 7586, otherwise known as at “National Integrated Protected Areas System Act of 1992,” be amended so as to include other areas in Palawan in its protective embrace. The inclusion of these areas entails provision of funds as well as rangers to protect the same. Eventually, it will deter a number of would-be-violators from engaging in illegal wildlife trade and transportation because of the difficulty in penetrating the area.

Third, the ultimate cause why many small illegal wildlife traders and transporters engage in such activity is the seemingly high return. These people are usually those living below the poverty line and unschooled. As such, the local government, in a concerted effort with the national government, must provide this marginalized population sources of income as alternatives to wildlife trade and transportation. More so, lectures and seminars can be conducted in order to convey to them the adverse effects of illegal wildlife trade and transportation.

Fourth, numerous wildlife refuge centers should be established and funded both by the local government and the national government in partnership with private individuals. Due to the limited number of centers, rescued wildlife species will be released to the wild again once able. This release but makes them vulnerable anew to captivity.

Fifth, the local government in Palawan must have a clear program of the implementation of the provisions of R.A. No. 9147. This is in addition to the recommendation that it must take an active part in addressing poverty and the problem of illegal wildlife trade and transportation in general.

Sixth, the national government must allocate a portion of the budget sufficient to fund the enforcement of R.A. No. 9147 in Palawan. Particularly, monetary support should be available to hire competent enforcers and train and educate them, support case building, and sustain the legal battle before the court. Regrettably, PCSD has limited funding, which varies from year to year, to support its operation covering the whole of Palawan. This in turn affects its operations and programs.

Seventh, concomitant with poverty eradication and with sufficient funding in terms of salary and enforcement is the prevention of corruption. In addition, witness and other individuals with knowledge of corruption must receive support in order to pursue cases against the public officers who receive and the persons who give.

Eight, the present penalties are non-deterrent. For now, the prescribed penalty may allow one to apply for probation. Therefore, first time offenders would simple apply for a probation, return to the wild, and commit the same offense the second time around or more often. True, the previous grant of probation shall disqualify one from subsequently availing of the benefits of the Probation Law. Just the same, four

years is not that long to deter someone from benefiting from the lucrative business of illegal wildlife trade and transportation. This is coupled with the fact that four years is necessarily not four years as in 365 days in view of the convict's entitlement to a Good Conduct Time Allowance.

Moreover, in the case of illegal wildlife trade, the court has the discretion to require the convict to serve the penalty of imprisonment and pay the fine, to serve the penalty of imprisonment only, or to pay the fine only. With the interplay of many factors, it is still highly possible that the convict will only be required to pay a fine. Such being the case, he would immediately be at liberty to again unlawfully trade or transport wildlife species.

Finally, the anti-money laundering tools offer other alternatives that will also discourage would-be violators from committing crimes by depriving them of the proceeds thereof. For one, a stiffer penalty should be imposed in case of violation. Second, a mere conspiracy should be punishable. Third, there are other modes, civil in nature, which do not necessitate proof beyond reasonable doubt. Yet, as stated by Atty. Allan Julius Azcueta of the Legal Office Group, Anti-Money Laundering Council Secretariat, there are many violations of R.A. No. 9147. It is just that none had been endorsed to the Anti-Money Laundering Council for investigation and filing of appropriate charges and actions, attributed to the absence of domestic inter-agency cooperation and the lack of knowledge of those handling the investigation and the prosecution of the predicate offenses.

All told, Palawan still has a long way to go before it absolutely frees itself from illegal wildlife trade and transportation. But, there is still a ray of hope, which calls for a sincere conviction from the stakeholders and the crusaders alike to indeed wage war against unlawful traders and transporters in the battlefield called as the Philippines' Last Ecological Frontier. Truly, when everyone stands hand-in-hand, Mother Earth will emerge victorious.

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