

HEADLINES

12-year prison term not enough for wildlife traffickers—DENR

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The Department of Environment and Natural Resources (DENR) is backing a House bill imposing stiffer penalties on wildlife crime.

In a position paper submitted to the House committee on natural resources this week and obtained by the Inquirer, the DENR's Biodiversity Management Bureau (BMB) said wildlife trafficking had remained unabated and resulted in greater loss of the country's resources—20 years after the enactment in 2001 of Republic Act No. 9147, or the Wildlife Resources Conservation and Protection Act.

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It called for stiffer fines and penalties against such illegal acts as killing, trading, hunting or transporting wildlife, as well as the inclusion of specific circumstances that would mean the maximum penalty against offenders.

“Similar to drugs and illegal trafficking of persons, wildlife trafficking is now at the level of transnational crime,” Assistant Environment Secretary and BMB chief Ricardo Calderon said in an interview.

“We've seen that wildlife crime is very rampant and moves across boundaries ... Hopefully the increase in penalty will be a big deterrent, because now the penalties are very low, with some spanning for just six months to a year,” Calderon said.

12 years not enough

Among the provisions the DENR wants to include in House Bill No. 265, authored by Occidental Mindoro Rep. Josephine Ramirez-Sato, are imprisonment of up to 20 years (reclusion temporal) for offenders who kill or destroy species listed as critically endangered and fines ranging from P200,000 to P2 million.

Under the present law, people committing the same crime face only up to 12 years in jail and fines ranging from P100,000 to P1 million.

Illegal traders of critically endangered animals can be jailed for four years and fined P50,000 to P600,000, under the proposed amendments.

This is in contrast to the current penalties, with jail time of only up to two years and fines ranging from P5,000 to P300,000.

Wildlife laundering—in which traders disguise the origin and ownership of illegally acquired wildlife by making it appear as though they came from legitimate sources—will also be punishable under the amended law.

Despite record seizures of smuggled wildlife in recent years valued at billions of pesos, prosecuting wildlife criminals remains a huge challenge for the government.

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Traders go scot-free with lax penalties, overburdened courts and lack of knowledge among legal professionals, while repeat offenders easily skirt through the system.

Only 70 cases

An earlier Inquirer report showed that more than 26,700 wildlife were confiscated in at least 123 enforcement operations from 2013 to 2018. But in that period, only 70 cases against wildlife criminals had been filed, with only 18 convictions.

Of the 228 identified offenders, only 30 had been penalized—and not all of them spent time in jail.

“Many continue to take risks because there is a market,” Calderon said. “With the value of animals worth millions and with very low penalties, it’s really worth risking.”

Another reason for the government's shortcomings in dealing with wildlife crime is the notion that these are small-time offenses, said Environment Undersecretary Ernesto Adobo Jr.

“There is a common notion that these crimes do not have victims, so they consider it second-class crimes or offenses,” Adobo said. “In fact, the victims [in] these crimes are the wild animals themselves.”

In its paper, the DENR-BMB sought to include specific circumstances that would mean the maximum penalty against trafficking wildlife.

For instance, the number of specimens involved in violations should be considered since many confiscations involved several numbers of animals of different species and with different conditions during capture.

Maximum penalty

Under the bill, repeat offenders will be prosecuted with the maximum penalty—the same with those who commit crimes through inducing indigenous peoples.

The Asean Centre for Biodiversity had earlier reported that the Philippines loses P50 billion every year due to the illegal trade. The archipelago serves as a source, transit point and destination for trafficked animals.

Among the most trafficked animals were those seen only in the Philippines, such as the Philippine pangolin and Philippine pond turtle. Both are classified as critically endangered.

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