



1 research and bioprospecting; this also includes the conduct of field research,  
2 interviews and surveys involving the indigenous knowledge systems and  
3 practices including the associated traditional knowledge of indigenous and local  
4 communities in the Philippines;

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- 6 b. *Biopiracy* refers to the unethical or unlawful appropriation or commercial  
7 exploitation of biological materials such as medicinal plant extracts that are  
8 native to a particular country or territory without providing fair financial  
9 compensation to the people of government of that country or territory;
- 10
- 11 c. *Bioprospecting* refers to the systematic search for biochemical and genetic  
12 information in nature in order to develop commercially-valuable products for  
13 pharmaceutical, agricultural, cosmetic and other applications;
- 14
- 15 d. *Biotechnology* refers to any technological application that uses biological  
16 systems, living organisms, or derivatives thereof, to make or modify products or  
17 processes for specific use;
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- 19 e. *Clearing house* refers to the platform for exchanging information on access and  
20 benefit-sharing established by the Nagoya Protocol on Access To Genetic  
21 Resources And The Fair And Equitable Sharing of Benefits Arising From Their  
22 Utilization To The Convention On Biological Diversity, hereinafter referred as  
23 the Nagoya Protocol as part of the clearing-house mechanism of the 1992  
24 Convention on Biological Diversity;
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- 26 f. *Derivatives* refer to a naturally occurring biochemical compound resulting from  
27 the genetic expression or metabolism of biological or genetic resources, even if  
28 it does not contain functional units of heredity;
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- 30 g. *Fair and equitable benefit-sharing* refers to the appropriate benefits that may be  
31 derived by the Philippines as a country or its researchers, taking into account the  
32 level of effort applied to secure the resources and would take into account the  
33 country's current socio-economic and cultural standing;
- 34
- 35 h. *Genetic material* refers to any material of plant, animal, microbial or other  
36 origin containing functional units of heredity;
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- 38 i. *Genetic resources* refer to genetic material of actual or potential value;
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- 40 j. *Utilization of genetic resources* refers to the conduct of research and  
41 development activities on genetic and/or biochemical composition of genetic  
42 resources, including the application of biotechnology as defined in Article 2 of  
43 the United Nations Convention on Biodiversity (UN CBD).
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45 **Sec. 5. Policy Framework On Access and Benefit-sharing from the Utilization of**  
46 **Philippine Genetic Resources and Bioprospecting.** - The policy framework on access and  
47 benefit-sharing from the utilization of genetic resources institutionalized in this Act,  
48 implements the Philippine commitment to the Nagoya Protocol with some key changes in  
49 specific policy areas relating to access to genetic resources, compliance mechanisms to

1 ensure that similar legislation or policy relating to access and benefit-sharing arising from the  
2 utilization of genetic resources from another country used in the Philippines are respected and  
3 implemented. The tracking and monitoring mechanisms, traditional knowledge associated  
4 with genetic resources, capacity-building and technology transfer as well as the special  
5 mandates of identified government agencies are also amended to fully implement the policy  
6 established in this Act.

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8 **Sec. 6. Creation and Composition of the Inter-Agency Committee on Genetic**  
9 **Resources and Associated Traditional Knowledge.** - There is hereby created an  
10 Inter-Agency Committee on Genetic Resources and Associated Traditional Knowledge  
11 hereinafter referred to as the Inter-Agency Committee, to harmonize, integrate, enhance,  
12 implement and monitor compliance with treaty, statutory and regulatory provisions on access  
13 and benefit sharing (ABS) and utilization of Philippine genetic resources.

14 The Inter-Agency Committee shall be composed of a Chairperson from the  
15 Department of Environment and Natural Resources (DENR) and a Co-Chairperson from the  
16 Department of Agriculture (DA).

17 The Inter-Agency Committee shall be composed of the following offices:

18 A. Department of Environment and Natural Resources (DENR)

- 19 1. Biodiversity Management Bureau (BMB)  
20 2. Ecosystems Research and Development Bureau (ERDB)  
21 3. Palawan Council for Sustainable Development (PCSD)

22 B. Department of Agriculture (DA)

- 23 1. Bureau of Fisheries and Aquatic Resources (BFAR)  
24 2. Bureau of Animal Industry (BAI)  
25 3. Bureau of Plant Industry (BPI)

26 C. Department of Science and Technology (DOST)

- 27 1. Philippine Council for Health Research and Development (PCHRD)  
28 2. Philippine Council for Agriculture, Aquatic and Natural Resources  
29 Research and Development (PCAARRD)

30 D. Department of Health (DOH)

- 31 - Philippine Institute of Traditional and Alternative Health Care (PITAHC)

32 E. Department of Foreign Affairs (DFA)

33 F. Department of Justice (DOJ)

34 G. Department of the Interior and Local Government (DILG)

1 H. National Commission on Indigenous Peoples (NCIP)

2 I. Intellectual Property Office of the Philippines (IPOPIL)

3 J. National Museum of the Philippines (NM)

4 K. University of the Philippines (UP) System

5 Each member Department of the Inter-Agency Committee shall designate a  
6 permanent representative with the rank of Undersecretary or Assistant Secretary. Member  
7 bureaus and offices shall be represented by their respective Directors and heads of office.

8 The Inter-Agency Committee shall be supported by a secretariat to be headed jointly  
9 by the representatives of the BMB and ERDB.

10 **Sec. 7. Powers and Duties of the Inter-Agency Committee.** - The Inter-agency  
11 Committee shall have the power to issue rules/guidelines pertaining to the access, benefit-  
12 sharing and utilization of Philippine genetic resources, the grant of incentives under existing  
13 laws, the third-party use in any mutually agreed terms or agreements relating to access and  
14 benefit sharing involving genetic resources, and the standard procedures and process flow of  
15 national checkpoint agencies, among others. It shall likewise be responsible for the following:

- 16 a. Designation of a checkpoint or tracking mechanism to be set up by the pertinent  
17 government agency at any stage of research, development, innovation, pre-  
18 commercialization and commercialization of genetic resources and its derivatives.
- 19 b. Establishment of the Philippine Clearing House and the formulation of the  
20 Philippine Clearing House Mechanism which shall serve as a means for sharing of  
21 information related to access and benefit-sharing and shall provide access to  
22 information made available by each party to the Nagoya Protocol relevant to the  
23 implementation of the same;
- 24 c. Creation of appropriate sub-committees to handle specific concerns such as  
25 inventory of genetic resources, ABS compliance, monitoring, wealth creation,  
26 communication, capacity building and technology transfer;
- 27 d. Participation in the deliberations of civil society organizations, indigenous peoples'  
28 organizations, private sector and members of the academe;
- 29 e. Conduct of analysis and monitoring activities on the latest technological  
30 developments including digital sequencing information.
- 31 f. Establishment of a national inventory of genetic resources within one year from  
32 the adoption of the implementing guidelines of this Act, prioritizing those with  
33 potential commercial application;

1 g. Tracking and monitoring of the mechanism of biodiversity resources including  
2 genetic/deoxyribonucleic acid (DNA) characterization of genetic resources and  
3 other living organisms to enhance transparency of the same;

4 h. Strict application of the guidelines, processes and protocols on the utilization of  
5 traditional knowledge associated with genetic resources as well as applicable  
6 customary laws and community protocols of indigenous peoples and local  
7 communities, particularly in securing free prior and informed consent; and

8 i. Implementation of the appropriate capacity building programs in support of  
9 existing and future policies for the development of a sound and viable  
10 technological and scientific base for the access, benefit-sharing and utilization of  
11 genetic resources;

12 **Sec. 8. Designation of National Focal Point and Competent National**  
13 **Authorities.** - The Biodiversity Management Bureau (BMB) of DENR shall continue to be  
14 the national focal authority on access and benefit sharing. The DENR, DA, NCIP and PCSO  
15 are likewise designated competent national agencies for access and benefit-sharing and for  
16 ensuring Philippine compliance with the obligations under the CBD and the Nagoya Protocol.

17 **Sec. 9. Coordination and Cooperation with Other National Government**  
18 **Agencies.** - To ensure compliance with the rules or guidelines on access, benefit-sharing and  
19 utilization of genetic resources, policy and administrative measures shall be adopted by the  
20 national government agencies to notify the ABS Clearing-House created through the  
21 Philippine Clearing House mechanism. All national government agencies with research and  
22 development functions relating to genetic resources shall provide the Inter-Agency  
23 Committee with the relevant information on the status of researches with potential  
24 commercial application and prioritize studies aimed at better understanding genetic resources  
25 or in developing commercial products through bio-technology or through other means.

26 **Sec. 10. Access to Information.** - Access to information collected by virtue of this  
27 Act as well as to government research data used as basis for policy development shall be in  
28 accordance with the source agency's Freedom of Information (FOI) manual prepared and  
29 adopted in accordance with Executive Order No. 2, series of 2016.

30 **Sec. 11. Access to Genetic Resources.** - The existing policies on access to genetic  
31 resources as currently implemented by the appropriate government agencies under Republic  
32 Act 9147, otherwise known as the "Wildlife Resources, Conservation and Protection Act"  
33 shall continue to exist and be implemented for all purposes; *Provided That*, to facilitate  
34 harmonization of these policies with the Nagoya Protocol, the following shall also be  
35 implemented:

36 a. Any existing Philippine government agency requiring prior informed consent before  
37 access to genetic resources is granted shall provide for the issuance at the time of  
38 access an evidence of the decision to grant prior informed consent and the  
39 establishment of the mutually agreed terms or the agreement relating to access and  
40 benefit-sharing involving the genetic resource. These agencies shall also take

1 administrative and policy measures to notify the ABS Clearinghouse of the United  
2 Nations Convention on Biological Diversity of such issuances;

- 3  
4 b. Any mutually agreed term or agreement relating to access and benefit-sharing  
5 involving the genetic resource established between the agency or community  
6 concerned shall provide for clear provisions on third-party use including the change of  
7 intent relating to the utilization of this genetic resource from its non-commercial or  
8 scientific stage. Any existing implementing regulations of existing agencies for this  
9 purpose shall be amended and updated accordingly.

10  
11 **Sec. 12. Matters Relating to the Utilization of Associated Traditional Knowledge**  
12 **Associated with Genetic Resources** - Whenever the indigenous knowledge systems and  
13 practices including the traditional knowledge associated with genetic resources of indigenous  
14 and local communities are utilized, the following shall be implemented by the appropriate  
15 agencies, particularly the National Commission on Indigenous Peoples, the Palawan Council  
16 for Sustainable Development as well as the Philippine Institute for Traditional and  
17 Alternative Health Care:

- 18  
19 a. The customary laws as well as the community protocols of indigenous and local  
20 communities, where available, will apply at the first instance, in matters relating  
21 to access and benefit-sharing from the utilization of indigenous knowledge  
22 systems and practices including the traditional knowledge associated with genetic  
23 resources;
- 24  
25 b. Establishment of mechanisms with the effective participation of indigenous and  
26 local communities to inform users of their obligations as these relates to the  
27 utilization of indigenous knowledge systems and practices including traditional  
28 knowledge associated with genetic resources;
- 29  
30 c. Establishment of mechanisms to indigenous and local communities to develop  
31 their own community protocols, minimum requirements for mutually agreed terms  
32 and model contractual clauses;
- 33  
34 d. The customary use of indigenous knowledge systems and practices including  
35 traditional knowledge associated with genetic resources by the indigenous and  
36 local communities themselves shall continue to be respected; *Provided*, That this  
37 principle shall not be recognized if asserted by non-indigenous and local  
38 communities.

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40 **Sec. 13. Voluntary Benefit-Sharing Mechanisms** - There shall be established a  
41 voluntary benefit-sharing mechanism in cases where it is not possible to secure prior  
42 informed consent and the researcher and the partner or collaborating institution will commit  
43 to provide a minimum level of benefits that may be derived from the utilization of the genetic  
44 resources and/or the indigenous knowledge systems or practices, including the associated  
45 traditional knowledge therein and as the utilization progresses from research, development,  
46 innovation, pre-commercialization and commercialization. The concerned implementing  
47 agencies mandated by this Act shall conduct the necessary consultations to determine the  
48 levels of these benefits, which will be adjusted from time to time depending on the level of  
49 advancement of researches in these activities.

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1           Sec. 14. **Penalties** - Except in relation to plant genetic resources for food and  
2 agriculture covered under the provisions of the international treaty on plant genetic resources  
3 for food and agriculture, including the Multilateral System of Access and Benefit-sharing and  
4 its Standard Material Transfer Agreement (SMTA), specifically Articles 7 and 8 of the  
5 SMTA, the user of genetic resources who does not comply with the provisions of this Act,  
6 including any relevant administrative issuance that may be issued by the appropriate agencies  
7 as indicated by this Act, shall be penalized with the crime of biopiracy and subject to a  
8 penalty imprisonment of six years and one day up to eight years, and a fine of not less than  
9 Five hundred thousand pesos, as may be determined by the appropriate court.

10           Sec. 15. **Appropriations.** - All concerned government agencies included in the Inter-  
11 Agency Committee shall allocate necessary funds for the implementation of this Act in  
12 accordance with the regular government budget procedures, for the first year of  
13 implementation of this Act. For the subsequent years, agencies in the Inter-Agency  
14 Committee shall include in their respective programs funding for the implementation of this  
15 Act which shall be included in the annual General Appropriations Act.  
16

17           Sec. 16. **Implementing Rules and Regulations** - Within six (6) months from the  
18 effectivity of this Act, the DENR and the DA as co-chairpersons of the Inter-Agency  
19 Committee shall issue the Implementing Rules and Regulations with the Department of  
20 Environment and Natural Resources as the lead implementors of this Act.  
21

22           Sec. 17. **Separability Clause** - In case any provision of this Act is found to be  
23 unconstitutional upon final declaration by the appropriate Court, the other provisions not so  
24 declared unconstitutional or unaffected by the declaration shall remain valid and effective and  
25 shall continue to be implemented by the Department of Environment and Natural Resources  
26 and other relevant agencies.  
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28           Sec. 18. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication  
29 in the Official Gazette or in a newspaper of general circulation.  
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31           *Approved,*  
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