

ACT NO. 3983

AN ACT TO PROTECT WILD FLOWERS AND PLANTS IN THE PHILIPPINE ISLANDS AND TO PRESCRIBE CONDITIONS UNDER WHICH THEY MAY BE COLLECTED, KEPT, SOLD, EXPORTED, AND FOR OTHER PURPOSES.

Section 1. Except as provided in this Act, it shall be unlawful for any person in the Philippine Islands to take collect, kill, mutilate, or have in his or her possession, living or dead, or to purchase, offer or expose for sale, transport, ship, or export, alive or dead, any protected flowering plant, fern, orchid, lycopod or club moss or other wild plants in the Philippines.

Sec. 2. It shall be the duty of the Secretary of Agriculture and Natural Resources to issue and promulgate regulations which shall specify from time to time the classes or species of the rare and flowering plants including orchids, ferns, lycopods or club mosses (known in some localities as buntot pusa or palawit), which shall be protected under this Act; and to issue such other regulations as may be necessary prescribing the conditions governing the collection, alive or dead, possession, destruction, killing, transportation, sale or exposure for sale, or export, alive or dead, of any of the protected wild plants in the Philippines.

Sec. 3. The rules so promulgated shall also specify the bureau or office of the Department of Agriculture and Natural Resources, to which the duty of carrying out the purposes of this Act may be delegated by the Department Head; shall fix the fees for the collection of individual species or group of species of protected wild plants; and may be made applicable to the whole Philippine Islands or any specified locality or localities and may be continued in force indefinitely or for a given number of years or for any specified portion or portions of each successive year.

Sec. 4. The Secretary of Agriculture and Natural Resources is hereby empowered to issue licenses for the collection, possession, transportation, sale, or export of such protected wild plants as should be collected only by licensed collectors, upon payment of the fees to be fixed in accordance with this Act. Such licenses shall specify the number and kind of plants which may be collected, and the conditions under which they may be kept or disposed of. The Secretary of Agriculture and Natural Resources may issue a special permit for the possession of very rare specimens.

Sec. 5. A permit may be granted by the Secretary of Agriculture and Natural Resources free of charge to any person of good repute of legal age, permitting the holder to collect specimens of protected wild plants for scientific or educational purposes. Such permits shall be in force for a period of one year only and shall be subject to such conditions as the Secretary of Agriculture and Natural Resources may deem wise to impose for the proper carrying out of the purposes of this Act. Upon proof that the holder of such permit has taken, killed or destroyed any protected wild plant in whole or in part for other than a scientific or educational purpose, he shall be subject to the same penalty as if he had no permit.

Sec. 6. No license or permit shall be granted under the provisions of this Act except to citizens of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands and sixty-one per cent of whose capital

stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which allow similar rights to citizens of the Philippine Islands.

Sec. 7. The making of any false statement upon the application blank for a collecting license or permit shall subject the offender both to the forfeiture of his license or permit and to the other penalties hereinafter provided.

Sec. 8. The taking, collection, destruction, or mutilation of orchids, ferns, and lycopods or club mosses and such other plants as may be designated by the Secretary of Agriculture and Natural Resources is prohibited within a distance of one hundred meters from any public highway or trail: Provided, however, That this prohibition shall not apply to the owner of land on which such plants may be found or the duly authorized agent of the owner.

Sec. 9. Members of the Philippine Constabulary; members of municipal and municipal district police, and such foresters, rangers and forest guards of the Bureau of Forestry; botanists, geologists, and field chemists of the Bureau of Science, public lands inspectors, special attorneys and surveyors of the Bureau of Lands; agronomists and plant inspectors of the Bureau of Plant Industry, and other competent persons as may be designated in writing by the Secretary of Agriculture and Natural Resources, are hereby made deputy wardens of protected wild plants and are hereby given full authority and directed to enforce the provisions of this Act and the regulations promulgated thereunder and to arrest offenders against the same.

Sec. 10. Any person, association or corporation violating this Act or any order or regulation deriving force from its provisions shall be punished for each offense by a fine of not less than ten pesos nor more than two hundred pesos, or by imprisonment not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court: Provided, That in the case of an association or corporation, the president or manager shall be directly responsible for the acts of his employees or laborers if it is proven that the latter acted with his knowledge; otherwise the responsibility shall extend only as far as fine is concerned: Provided, further, That all plants gathered or collected in violation of this Act shall be forfeited to the Government.

Sec. 11. This Act shall take effect on its approval.

*Approved:* December 3, 1932.

..