

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 2613**



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Introduced by **HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.,  
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G.  
HORIBATA AND HON. NICOLAS ENCISO VIII**

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#### EXPLANATORY NOTE

As vested in Section 16, Article II of the 1987 Philippine Constitution, the State has the ultimate responsibility to preserve and protect the environment. Section 2 Article XII further provides that wildlife, flora and fauna, among others, are owned by the State and the disposition, development and utilization thereof are under its full control and supervision.

However, a study commissioned by the United Nations Development Programme (UNDP) Philippines showed that the country loses an estimate of 8.1 million USD annual royalty earnings for a single pharmaceutical product derived from a Philippine genetic resource that was patented by foreign company. In a workshop spearheaded by the Department of Environment and Natural Resources (DENR) on June 2022, DENR Undersecretary Analiza Rebueta-Teh revealed that there are biopirated genetic resources gathered in our country that have been patented without appropriate reward and recognition to its sources. She added that few examples of which are oil extract of *ylang-ylang* flowers patented for high-class perfumes, *saluyot* manufactured by a foreign company for its anti-stress drug, and other Filipino herbal medicines like *sambong*, *lagundi*, and *takip kuhl*.<sup>1</sup> Despite existing policies in regulating access to our genetic resource, it is imperative for the State to enforce measures to heighten its compliance towards its mandate enshrined in our Constitution.

This bill aims to establish a strengthened policy framework on access and benefit-sharing from the utilization of genetic resources in the country and implements our commitment to the Nagoya Protocol. Towards this, an Inter-Agency Committee on Genetic Resources and Associated Traditional Knowledge is created to harmonize, integrate, enhance, implement, and monitor our compliance with treaty, statutory and regulatory provisions on access and benefit sharing (ABS) and utilization of Philippine

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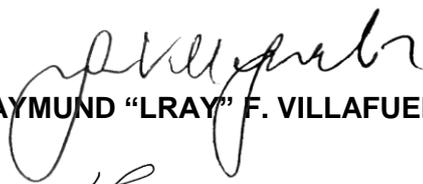
<sup>1</sup> <https://bmb.gov.ph/index.php/resources/news-and-events/232-denr-bmb-and-undp-conducted-a-national-inception-workshop-for-the-access-and-benefit-sharing-project>

genetic resources. The said inter-agency committee will be headed by the Secretaries of the Department of Agriculture (DA) and DENR.

This bill also designates the Biodiversity Management Bureau (BMB) of DENR as the national focal authority on access and benefit sharing while enjoining other national government agencies with research and development functions relating to genetic resources to provide the Inter-Agency Committee with the relevant information on the status of research with potential commercial application. In addition, this measure seeks to ensure the compliance in information accessing with the source agency's Freedom of Information (FOI) manual. Further, the bill provides regulatory guidelines on access to genetic resources and on matters relating to the utilization of associated traditional knowledge associated with genetic resources.

A voluntary benefit-sharing mechanism is also sought to be established to ensure the commitment of a researcher, partner or collaborating institution in providing minimum level of benefits that may be derived from the utilization of the genetic resources and indigenous knowledge systems or practices in cases of impossibility of securing prior informed consent. This bill also provided for the penalties of biopiracy and mandated members of the Inter-Agency Committee to allocate necessary funds of the implementation of the measure.

In view of the foregoing, immediate passage of the bill is earnestly sought.

  
**LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

  
**TSUYOSHI ANTHONY G. HORIBATA**

  
**MIGUEL LUIS R. VILLAFUERTE**

  
**NICOLAS ENCISO VIII**

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**AN ACT**  
**INSTITUTIONALIZING THE NATIONAL POLICY ON ACCESS, AND BENEFIT-  
SHARING FROM THE UTILIZATION OF PHILIPPINE GENETIC RESOURCES**  
**AND APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. *Short Title.*** – This Act shall be known as the "*Philippine Genetic Resources Access and Benefit-Sharing Act*" or "*PGRABS Act*".

**SECTION 2. *Declaration of Policy.*** – It is the policy of the State to ensure the fair and equitable sharing of benefits arising from the utilization of all genetic resources in the country to generate wealth and alleviate poverty. Towards this end, the State shall secure the necessary means to pursue the strategic programs and initiatives on the conservation and sustainable use of biological diversity through the conduct of scientific research, improvement of regulatory measures on access and utilization of genetic resources and increasing awareness of their potential contribution to economic development and public health. Moreover, the State shall ensure that local and indigenous communities receive a fair share from the benefits arising from the utilization of genetic resources in their areas or domains and provide the necessary support and incentive for investments for the conservation and sustainable use of these genetic resources by the host communities.

**SECTION 3. Scope.** – This Act shall apply to Philippine genetic resources, whether found in or originating from Philippine territory and areas where the country enjoys sovereign rights and jurisdiction, originating from the same or exported to other countries; and genetic resources originating from other countries and imported into the Philippines for development and utilization.

**SECTION 4. Definition of Terms.** – As used in this Act:

- a. *Access* refers to the collection, taking and gathering of genetic resources from the field, in order that they may be utilized for further academic or scientific research and bioprospecting; this also includes the conduct of field research, interviews and surveys involving the indigenous knowledge systems and practices including the associated traditional knowledge of indigenous and local communities in the Philippines;
- b. *Biopiracy* refers to the unethical or unlawful appropriation or commercial exploitation of biological materials such as medicinal plant extracts that are native to a particular country or territory without providing fair financial compensation to the people of government of that country or territory;
- c. *Bioprospecting* refers to the systematic search for biochemical and genetic information in nature in order to develop commercially-valuable products for pharmaceutical, agricultural, cosmetic and other applications;
- d. *Biotechnology* refers to any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;
- e. *Clearing house* refers to the platform for exchanging information on access and benefit-sharing established by the Nagoya Protocol on Access To Genetic Resources And The Fair And Equitable Sharing of Benefits Arising From Their Utilization To The Convention On Biological Diversity, hereinafter referred as the Nagoya Protocol;
- f. *Derivatives* refer to a naturally occurring biochemical compound resulting from the genetic expression or metabolism of biological or genetic resources, even if it does not contain functional units of heredity;
- g. *Fair and equitable benefit-sharing* refers to the appropriate benefits that may be derived by the Philippines as a country or its researchers, taking into

account the level of effort applied to secure the resources relevant to the country's current socio-economic and cultural standing;

- h. *Genetic material* refers to any material of plant, animal, microbial or other origin containing functional units of heredity;
- i. *Genetic resources* refer to genetic material as defined in item (h) hereof, except genetic materials originating from humans;
- j. *Utilization of genetic resources* refers to the conduct of research and development activities on genetic and biochemical composition of genetic resources, including the application of biotechnology as defined in Article 2 of the United Nations Convention on Biodiversity.

**SECTION 5. *Policy Framework on Access and Benefit-sharing from the Utilization of Philippine Genetic Resources and Bioprospecting.***

– The policy framework on access and benefit-sharing from the utilization of genetic resources institutionalized in this Act implements the Philippine commitment to the Nagoya Protocol and includes some key changes in specific policy areas relating to access to genetic resources. It also incorporates compliance mechanisms to ensure that similar legislation or policy relating to access and benefit-sharing arising from the utilization of genetic resources from another country used in the Philippines are respected and implemented. The tracking and monitoring mechanisms, capacity-building and technology transfer as well as special mandates of identified government agencies are also amended to fully implement the policy established in this Act.

**SECTION 6. *Creation and Composition of the Inter-Agency Committee on Genetic Resources and Associated Traditional Knowledge.***

– There is hereby created an Inter-Agency Committee on Genetic Resources and Associated Traditional Knowledge hereinafter referred to as the Inter-Agency Committee, to harmonize, integrate, enhance, implement and monitor compliance with treaty, statutory and regulatory provisions on access and benefit sharing (ABS) and utilization of Philippine genetic resources.

The Inter-Agency Committee shall be headed by the Secretaries of the Department of Environment and Natural Resources (DENR) and the Department of Agriculture (DA)

as Chairperson and Co-Chairperson, respectively. It shall be composed of the following offices:

- A. Department of Environment and Natural Resources (DENR)
  - 1. Biodiversity Management Bureau (BMB)
  - 2. Ecosystems Research and Development Bureau (ERDB)
  - 3. Palawan Council for Sustainable Development (PCSD)
- B. Department of Agriculture (DA)
  - 1. Bureau of Fisheries and Aquatic Resources (BFAR)
  - 2. Bureau of Animal Industry (BAI)
  - 3. Bureau of Plant Industry (BPI)
- C. Department of Science and Technology (DOST)
  - 1. Philippine Council for Health Research and Development (PCHRD)
  - 2. Philippine Council for Agriculture, Aquatic and Natural Resources Research and Development (PCAARRD)
- D. Department of Health (DOH)
  - Philippine Institute of Traditional and Alternative Health Care (PITAHC)
- E. Department of Foreign Affairs (DFA)
- F. Department of Justice (DOJ)
- G. Department of the Interior and Local Government (DILG)
- H. National Commission on Indigenous Peoples (NCIP)
- I. Intellectual Property Office of the Philippines (IPOPHIL)
- J. National Museum of the Philippines (NM)
- K. University of the Philippines (UP) System

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

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

**SECTION 7. Powers and Duties of the Inter-Agency Committee.** – The Inter-agency Committee shall have the power to issue rules and guidelines pertaining to the

access, benefit-sharing and utilization of Philippine genetic resources, the grant of incentives under existing laws, the third-party use in any mutually agreed terms or agreements relating to access and benefit sharing involving genetic resources, and the standard procedures and process flow of national checkpoint agencies, among others. It shall likewise be responsible for the following:

- a. Designation of a checkpoint or tracking mechanism to be set up by the pertinent government agency at any stage of research, development, innovation, pre-commercialization and commercialization of genetic resources and its derivatives;
- b. Establishment of a Philippine Clearing House which shall serve as a platform for sharing information related to access and benefit-sharing and shall provide access to information made available by each party to the Nagoya Protocol relevant to the implementation of the same;
- c. Creation of appropriate sub-committees to handle specific concerns such as inventory of genetic resources, ABS compliance, monitoring, wealth creation, communication, capacity building and technology transfer;
- d. Participation in the deliberations of civil society organizations, indigenous peoples' organizations, private sector and members of the academe;
- e. Conduct of analysis and monitoring activities on the latest technological developments including digital sequencing information;
- f. Establishment of a national inventory of genetic resources within one year from the adoption of the implementing guidelines of this Act, prioritizing those with potential commercial application;
- g. Tracking and monitoring of the mechanism of biodiversity resources including genetic or deoxyribonucleic acid (DNA) characterization of genetic resources and other living organisms to enhance transparency of the same;
- h. Strict application of the guidelines, processes, and protocols on the utilization of traditional knowledge associated with genetic resources as well as applicable customary laws and community protocols of indigenous peoples and local communities, particularly in securing free prior and informed consent; and
- i. Implementation of the appropriate capacity building programs in support of existing and future policies for the development of a sound and viable

technological and scientific base for the access, benefit-sharing and utilization of genetic resources.

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

**SECTION 9. *Coordination and Cooperation with Other National Government Agencies.*** – To ensure compliance with the rules or guidelines on access, benefit-sharing and utilization of genetic resources, policy and administrative measures shall be adopted by the national government agencies to notify the Philippine Clearing House. All national government agencies with research and development functions relating to genetic resources shall provide the Inter-Agency Committee with the relevant information on the status of researches with potential commercial application and prioritize studies aimed at better understanding genetic resources or in developing commercial products through biotechnology or through other means.

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

**SECTION 11. *Access to Genetic Resources.*** – The existing policies on access to genetic resources as currently implemented by the respective government agencies under Republic Act 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act" shall continue to exist and be implemented for all purposes: Provided, That, to facilitate harmonization of these policies with the Nagoya Protocol, any existing implementing regulations of agencies for this purpose shall be amended and updated accordingly.

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

- a. The customary laws as well as the community protocols of indigenous and local communities, where available, will apply at the first instance, in matters relating to access and benefit-sharing from the utilization of indigenous knowledge systems and practices including the traditional knowledge associated with genetic resources;
- b. Mechanisms to inform users of their obligations as these relate to the utilization of indigenous knowledge systems and practices, including traditional knowledge associated with genetic resources, shall be established with the effective participation of indigenous and local communities;
- c. Processes and procedures shall be adopted for the development by indigenous and local communities of their own community protocols, minimum requirements for mutually agreed terms and model contractual clauses;
- d. The customary use of indigenous knowledge systems and practices including traditional knowledge associated with genetic resources by the indigenous and local communities themselves shall continue to be respected: *Provided*, That this principle shall not be recognized if asserted by non-indigenous and local communities.

**SECTION 13. *Voluntary Benefit-Sharing Mechanisms.*** – There shall be established a voluntary benefit-sharing mechanism in cases where it is not possible to secure prior informed consent and the researcher and the partner or collaborating institution will commit to provide a minimum level of benefits that may be derived from the utilization of the genetic resources and indigenous knowledge systems or practices, including

the associated traditional knowledge therein and as the utilization progresses from research, development, innovation, pre-commercialization and commercialization. The concerned implementing agencies mandated by this Act shall conduct the necessary consultations to determine the levels of these benefits, which will be adjusted from time to time depending on the level of advancement of researches in these activities.

**SECTION 14. *Penalties.*** – Except in relation to plant genetic resources for food and agriculture covered under the provisions of the international treaty on plant genetic resources for food and agriculture, including the Multilateral System of Access and Benefit-sharing and its Standard Material Transfer Agreement (SMTA), specifically Articles 7 and 8 of the SMTA, the user of genetic resources who does not comply with the provisions of this Act, including any relevant administrative issuance that may be issued by the appropriate agencies as provided for in this Act, shall be penalized with the crime of biopiracy and subject to a penalty imprisonment of six (6) years and one (1) day up to eight (8) years, and a fine of not less than Five hundred thousand pesos (Php 500,000) , as may be determined by the appropriate court.

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

**SECTION 16. *Implementing Rules and Regulations.*** – Within One hundred eighty (180) days from the effectivity of this Act, the DENR and the DA shall issue the rules and regulations with the Department of Environment and Natural Resources as the lead implementors of this Act.

**SECTION 17. *Separability Clause.*** – In case any provision of this Act is found to be unconstitutional upon final declaration by the appropriate Court, the other provisions not so declared unconstitutional or unaffected by the declaration shall remain valid

and effective and shall continue to be implemented by the Department of Environment and Natural Resources and other relevant agencies.

**SECTION 18. *Repealing Clause.*** – All laws, proclamations, orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 19. *Effectivity.*** –This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*