

[Commonwealth Act No. 491, June 18, 1939]

AN ACT TO AMEND CERTAIN SECTIONS OF ACT NUMBERED TWENTY-FIVE HUNDRED AND NINETY, ENTITLED "AN ACT FOR THE PROTECTION OF GAME AND FISH. "

Be it enacted by the National Assembly of the Philippines:

Sec. 1. Sections one, two, three, five, eight, fourteen, and sixteen of Act Numbered Twenty-five hundred and ninety are amended to read as follows;

"Section 1. Except as in this Act provided, it shall be unlawful to hunt, wound, take, or kill, 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 bird or mammal, or to sell or have in possession or sale any part of either. It shall likewise be unlawful for any person to take or willfully destroy the nest or eggs of any protected bird or to have such nest or eggs in his or her possession except as provided in section fourteen of this Act.

"Sec. 2. The term protected bird includes insect-eating birds, song birds, game birds, and generally all wild birds; Provided, however, That eagles, hawks, crows, house sparrows, herons, galangians, mayas and such other species as the Secretary of Agriculture and Commerce may determine, may be destroyed by property owners whenever they become injurious to their property; but the game birds contemplated in the next succeeding section shall be deemed to be 'protected' within the meaning of this Act, only during the continuance of the respective closed seasons established for them.

"Mammals shall be deemed to be 'protected' within the meaning of this Act, only during the continuance of the respective closed seasons established for them.

"Sec. 3. The Secretary of Agriculture and Commerce shall have authority subject to the approval of the President of the Philippines to establish a closed season for all or any of the game birds mentioned below or any other game bird, or birds, specified by him, to wit: the Indian dwarf goose, duck, rail, coot, mudhen, gallinule, plover, surf bird, snipe, woodcock, sand-piper, tattler, curlew and other shore birds, wild chicken, pheasant, quail, wild pigeon, doves of all classes, hornbill, mound builder, brush turkey, and other game birds.

"He may in like manner establish a closed season for deer, mouse deer, tamaraw, squirrel, lemur, or any other mammals, specified by him, except the wild pig which may be taken or killed as provided in section fourteen hereof."

"Sec. 5. The order creating a close season may be made applicable to the entire Philippines or to any specified province or other territorial division therein.

"For the protection and conservation of wild life and upon the recommendation of the director of the Bureau of Science, the Secretary of Agriculture and Commerce may set aside any area or areas of public land or public forest as game refuges and bird sanctuaries.

"All national parks, botanical gardens, public parks, public schools sites, public play grounds, Government experiment aid breeding stations, Commentate seed farms, Government stock farms, public building sites, Government nurseries, communal forests, communal pastures, cemeteries, and all public lands and forests within a radius of one kilometer from any Government rest house are declared game refuges aid bird sanctuaries. It shall be unlawful for any person, to hunt, take, wound or kill, or in any manner disturb or drive away from the places mentioned above, any wild birds or animals, or take or destroy the nests or eggs of such birds in the said places.

"For similar reason, upon the recommendation of the Director of the Bureau of Science, the Secretary of Agriculture and Commerce, and when in his opinion and if circumstances warrant, may authorize by special licenses, with or without charge, the taking of the surplus game from a game refuge or bird sanctuary, its vicinity of other area, or to destroy at any time predatory, noxious or dangerous animals found therein, under such terms and conditions which shall be determined by him and specified in the regulations or included in the license that may be issued.

"The Secretary of Agriculture and Commerce is authorized to establish, equip, operate and maintain game farms and other game projects in such places in the Philippines as may be deemed appropriate and beneficial.

Sec. 8. It shall be unlawful for any person to take with firearms, air gun, or any other weapon or device game of any sort or protected wild birds or animals without having previously procured an appropriate hunting license, the fee for which shall be not less than two pesos nor more than twenty pesos.

"The fees provided in this section are due and payable on the date the hunting license is issued and on each anniversary thereof and failure to pay said fees within sixty days after they become due and payable shall render the person in arrears liable to a surcharge of twenty-five per centum of the regular fees unpaid.

"The fees authorized to be collected under this Act and accruing to the National Government shall be paid to the Collector of Internal Revenue or his deputies under such rules and regulations as said Collector may prescribe with the approval of the Secretaries of Finance and Agriculture and Commerce.

"A sum of twenty-five thousand pesos of the funds accruing to the Insular Government under the provisions of this Act shall be set aside annually to carry out the purposes of this Act.

"Said sum shall be included in the annual appropriation acts and shall be