

Country Report on the implementation of
the International Treaty on Plant Genetic
Resources for Food and Agriculture
(ITPGRFA)

PHILIPPINES

13/01/2017

Article 4: General Obligations

1. Are there any laws, regulations procedures or policies in place in your country that implement the Treaty?

Please select only one option

- Yes
 No

1A. If your answer is 'yes', please provide details of such laws, regulations, procedures or policies:
> No.

An Executive Order entitled, "Providing for the Collection, Characterization, Conservation, Protection, and Sustainable Use of Plant Genetic Resources for Food and Agriculture, Appropriating Funds Therefor and For Other Purposes" is pending for approval of the Office of the President of the Republic of the Philippines. There would be a resubmission of the said EO for the new administration.

2. Are there any other laws, regulations, procedures or policies in place in your country that apply to plant genetic resources?

Please select only one option

- Yes
 No

2A. If your answer is 'yes', please provide details of such laws, regulations, procedures or policies:

> PD No. 1046-A creation of the National Plant Genetic Resources Laboratory (NPGRL)

RA 8435 Agriculture and Fisheries Modernization Act (AFMA)

RA 7586 National Integrated Protected Areas System Act (NIPAS Act)

RA 9147 Wildlife Resources Conservation and Protection Act and its IRR

RA 8371 Indigenous People's Rights Act (IPRA)

RA 7308 Seed Industry Development Act of 1992

RA 9168 Philippine Plant Variety Protection Act of 2002

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization

Ratification of the Convention on Biological Diversity

RA 7611 Regulations Implementing the Strategic Environmental Plan (SEP) for Palawan Act

3. Is there any law, regulation, procedure or policy in place in your country that needs to be adjusted / harmonized to ensure conformity with the obligations as provided in the Treaty?

Please select only one option

- Yes
 No

3A. If your answer is 'yes', please provide details of such adjustments and any plans to make those adjustments:

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Article 5: Conservation, Exploration, Collection, Characterisation, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture

4. Has an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA) been promoted in your country?

Please select only one option

Yes

No

5. Have PGRFA been surveyed and inventoried in your country?

Please select only one option

Yes

No

5A. If your answer is 'yes', please provide details of your findings, specifying species, sub-species and /or varieties, including those that are of potential use.

>

5B. If your answer is 'no', please indicate:

Any difficulties encountered in surveying or inventorying PGRFA;

Any action plans to survey and inventory PGRFA;

The most important PGRFA that should be surveyed and inventoried

> - Unavailability of the source of fund and resources, and the institution that would provide funds for surveying or inventorying PGRFA

- To date, no action plan to survey and inventory PGRFA has been created

- Most important PGRFA for surveying and inventorying are the following:

vegetables (cucurbits, legumes, solanaceous)

rice, corn, coconut

6. Has any threat to PGRFA in your country been identified?

Please select only one option

yes

No

6A. If your answer is 'yes', please indicate:

The species, subspecies and/or varieties subject to such threats;

The sources (causes) of these threats;

Any steps taken to minimise or eliminate these threats;

Any difficulties encountered in implementing such steps;

> Threats Varieties subject to threats

Habitat loss and destruction Rice, corn

(massive land conversion, deforestation)

Biological, chemical and environmental pollution

(pest and disease infestations)

Displacement of indigenous crop species and Vegetables, legumes

varieties by modern varieties

Natural disasters All crops

Abiotic stresses All crops

7. Has the collection of PGRFA and relevant associated information on those plant genetic resources that are under threat or are of potential use been promoted in your country?

Please select only one option

Yes

No

7A. If your answer is 'yes', please provide details of the measures taken:

> The DA-BAR, DOST, and State Universities and Colleges provide fund for Research & Development relating to utilization and promotion of PGRFA.

8. Have farmers and local communities' efforts to manage and conserve PGRFA on-farm been promoted or supported in your country?

Please select only one option

- Yes
 No

8A. If your answer is 'yes', please provide details of the measures taken:

> Efforts to manage and conserve PGRFA on-farm were promoted through the implementation of projects of Non Government Organizations and in partnership with local government units (LGUs).

9. Has in situ conservation of wild crop relatives and wild plants for food production been promoted in your country?

Please select only one option

- Yes
 No

9A. If your answer is 'yes', please indicate whether any measures have been taken to:

- Promote in situ conservation in protected areas
 Support the efforts of indigenous and local communities

9B. If such measures have been taken, please provide details of the measures taken:

>

10. Are there any ex situ collections of PGRFA in your country?

Please select only one option

- Yes
 No

10 A. If your answer is 'yes', please provide information on the holder and content of such collections:

> National Plant Genetic Resources Laboratory (NPGRL) under the Institute of Plant Breeding - seedstocks and fruit and tree crops

Philippines Rice Research Institute (PhilRice) - rice

State Universities and Colleges

PCA- coconut

Department of Agriculture Agencies (Bureau of Plant Industry, Philippine Rice Research Institute (PhilRice), National Tobacco Administration)

11. Has the development of an efficient and sustainable system of ex situ conservation of PGRFA been promoted in your country?

Please select only one option

- Yes
 No

11A. If your answer is 'yes', please indicate the measures taken to promote ex situ conservation, in particular any measures to promote the development and transfer of technologies for this purpose:

> Ex situ conservation of PGRFA is limited to institutional initiatives.

12. Has the maintenance of the viability, degree of variation, and the genetic integrity of ex situ collections of PGRFA been monitoring in your country?

Please select only one option

- yes
 No

12A. If your answer is 'yes', please provide details of the main conclusions of these monitoring activities

> Maintenance of the viability, degree of variation, and the genetic integrity of ex situ collections of PGRFA are limited to institutional initiatives, and are project-based.

13. Has your country cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation, exploration, collection, characterization, evaluation or documentation of PGRFA?

Please select only one option

- Yes
 No

13A. If your answer is 'yes', please indicate the other Contracting Parties with whom the cooperation was undertaken (where additional to cooperation through the Governing Body or Treaty mechanisms) and, where possible, details of any relevant projects:

> University of the Philippines Los Banos, Visayas State University (VSU), Benguet State University (BSU),
University of Southern Mindanao (USM), PhilRice
International Rice Research Institute (IRRI),
International Network for the Improvement of Banana and Plantain (INIBAP) Bioversity;

Article 6: Sustainable Use of Plant Genetic Resources for Food and Agriculture

14. Are there any policy and legal measures in place in your country that promote the sustainable use of PGRFA

Please select only one option

- Yes
 No

14A. If your answer is 'yes', please indicate whether such policy and legal measures include:

- Pursuing fair agricultural policies that promote the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources;
- Strengthening research that enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers;
- Promoting plant breeding efforts, with the participation of farmers, that strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;
- Broadening the genetic base of crops and increasing the range of genetic diversity available to farmers
- Promoting the expanded use of local and locally adapted crops, varieties and underutilised species
- Supporting the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and creating strong links to plant breeding and agricultural development
- Reviewing and adjusting breeding strategies and regulations concerning variety release and seed distribution

14B. If such policy and legal measures are in place, please provide details of the measures taken and any difficulties encountered in implementing them:

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Article 7: National Commitments and international Cooperation

15. Has the conservation, exploration, collection, characterization, evaluation, documentation and sustainable use of PGRFA been integrated into your country's agriculture and rural development programmes and policies?

Please select only one option

Yes

No

15A. If your answer is 'yes', please provide details of the integration of such activities into the agriculture and rural development programmes and policies:

>

16. Has your country cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation and sustainable use of PGRFA?

Please select only one option

yes

No

16A. If your answer is 'yes', please indicate whether the aim of such cooperation is to:

Strengthen the capability of developing countries and countries with economies in transition with respect to conservation and sustainable use of PGRFA

Enhance international activities to promote conservation, evaluation, documentation, genetic enhancement, plant breeding, seed multiplication, and sharing, providing access to and exchanging PGRFA and appropriate information and technology, in conformity with the Multilateral System of Access and Benefit-Sharing under the Treaty

16B. If, in addition to cooperation through the Governing Body or other Treaty mechanisms, your country has cooperated with other Contracting Parties directly or through FAO and other relevant international organizations, please indicate such other Contracting Parties and, where possible, details of any relevant projects:

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Article 8: Technical Assistance

17. Has your country promoted the provision of technical assistance to developing countries and countries with economies in transition, with the objective of facilitating the implementation of the Treaty?

Please select only one option

- Yes
 No

17A. If your answer is 'yes', please provide details of the measures taken

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18. Has your country received technical assistance with the objective of facilitating the implementation of the Treaty?

Please select only one option

- Yes
 No

18 A. If your answer is 'yes', please provide details of such technical assistance:

> The Philippines was granted assistance from the FAO for the provision of legal expert to help draft the domestic framework for the ITPGRFA in 2011, and the conduct of consultations.

FAO Project entitled Enhancing Understanding and Implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture, Regional Project funded by Japan - Bureau of Plant Industry (BPI) and Policy Research Service Staff availed of training from the project and participated in the awareness seminar led by the BPI

Article 9: Farmers' Rights

19. Subject to national law, as appropriate, have any measures been taken to protect and promote farmers' rights in your country?

Please select only one option

- Yes
- No

19 A. If your answer is 'yes', please indicate whether such measures were related to:

- Recognition of the enormous contribution that local and indigenous communities and farmers of all regions of the world have made and will continue to make for the conservation and development of plant genetic resources;
- The protection of traditional knowledge relevant to PGRFA
- The right to equitably participate in sharing benefit arising from the utilisation of PGRFA
- The right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA
- Any rights that farmers have to save, use, exchange, and sell farm-saved seed/propagating material

19B. If such measures were taken, please provide details of the measures taken and any difficulties encountered in implementing them:

> There is already an existing platform for the protection and promotion of Farmers' Rights. However, there are no implementing rules specific for PGRFA.

Article 11: Coverage of the Multilateral System

20. Has your country included in the Multilateral System of Access and Benefit-Sharing (MLS) all PGRFA listed in Annex 1 to the Treaty that are under the management and control of your Government and in the public domain?

Please select only one option

- All
 Partially
 None

20A. If your answer is 'all', please provide details of any difficulties encountered in including Annex 1 PGRFA in the MLS:

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20B. If your answer is 'partially', please provide details of:

The extent to which Annex 1 PGRFA have been included in the MLS

The crops that have been included in the MLS; and

The difficulties encountered in including Annex 1 PGRFA in the MLS:

> The country has only included 811 accessions of traditional rice varieties.

20C. If your answer is 'none', please provide details of the difficulties encountered in including Annex 1 PGRFA in the MLS:

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21. Has your country taken measures to encourage natural and legal persons within your jurisdiction who hold Annex 1 PGRFA to include those resources in the MLS?

Please select only one option

- Yes
 No

21A. If your answer is 'yes', please provide details of:

The natural or legal persons within your jurisdiction that included Annex 1 PGRFA in the MLS;

The crops that have been included in the MLS by these persons; and

Any difficulties these persons encountered in including Annex 1 PGRFA in the MLS:

> The private companies were encouraged.

21B. If your answer is 'no', please provide details, in particular details of any difficulties encountered in encouraging these persons to include Annex 1 PGRFA in the MLS:

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Article 12: Facilitated access to plant genetic resources for food and agriculture within the Multilateral System

22. Has your country taken measures to provide facilitated access to Annex 1 PGRFA, in accordance with the conditions set out in Article 12.4 of the Treaty?

Please select only one option

- Yes
 No

22A. If your answer is 'yes', please provide details of such measures:

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22B. If your answer is 'no', please provide details of any difficulties encountered in providing facilitated access to Annex 1 PGRFA:

> Included in Section 12 (Facilitated Access) of the pending Executive Order.

23. Has facilitated access been provided in your country to Annex 1 PGRFA pursuant to the standard material transfer agreement (SMTA)?

Please select only one option

- Yes
 No

23A. If your answer is 'yes', please provide the number of SMTAs entered into:

> Facilitated access has been provided to Annex I crops pursuant to SMTA including vegetables, legumes and banana through the Institute of Plant Breeding.

23B. If your answer is 'no', please provide details of any difficulties encountered in providing facilitated access to Annex 1 PGRFA pursuant to the SMTA:

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24. Has the SMTA been used voluntarily in your country to provide access to non-Annex 1 PGRFA?

Please select only one option

- Yes
 No

24A. If your answer is 'yes', please indicate the number of such SMTAs entered into:

>

25. Does the legal system of your country provide an opportunity for parties to material transfer agreements (MTAs) to seek recourse in case of contractual disputes arising under such agreements?

Please select only one option

- Yes
 No

25A. If your answer is 'yes', please provide details of the relevant laws, regulations or procedures:

> As applicable:

Provisions on Obligations and Contracts (Book IV) under the New Civil Code

MTA as Research Agreement, RA 10055 - Philippine Technology Transfer Act of 2009

RA 8293 - An Act Prescribing The Intellectual Property Code And Establishing The Intellectual Property Office, Providing For Its Powers And Functions, And For Other Purposes "Intellectual Property Code Of The Philippines"

26. Does the legal system of your country provide for the enforcement of arbitral decisions related to disputes arising under the SMTA?

Please select only one option

- Yes
 No

26A. If your answer is 'yes', please provide details of the relevant laws, regulations or procedures:

> RA 9285 - An Act To Institutionalize the Use of an Alternative Dispute Resolution System in the Philippines and to Establish The Office for Alternative Dispute Resolution, And For Other Purposes (is an option of Parties if within the Philippines)

Rules of Court provides for the enforcement of foreign arbitral award following New York Convention

27. Have there been any emergency disaster situations in respect of which your country has provided facilitated access to Annex 1 PGRFA for the purpose of contributing to the re-establishment of agricultural systems?

Please select only one option

Yes

No

27A. If your answer is 'yes', please provide details of such emergency disaster situations and the Annex 1 PGRFA to which access was provided:

> Facilitated access to Annex I PGRFA for the purpose of contributing to the re-establishment of agricultural systems has been provided only within the country.

Article 13: Benefit-sharing in the Multilateral System

28. Has your country made any information available regarding Annex I PGRFA?

- Yes
 No

28A. If your answer is 'yes', please provide details of any information made available regarding Annex 1 PGRFA (e.g. catalogues and inventories, information on technologies, results of scientific and socio-economic research, including characterisation, evaluation and utilisation):

> Information has been provided for the 811 accession of traditional rice varieties.

29. Has your country provided or facilitated access to technologies for the conservation, characterisation, evaluation and use of Annex I PGRFA?

If access to technologies was provided, please provide details of the access provided.

Please select only one option

- Yes

>

- No

29A. If your answer is 'yes', please indicate whether your country:

- Has established or participated in crop-based thematic groups on utilisation of PGRFA
 Is aware of any partnerships in your country in research and development and in commercial joint ventures relating to the material received through the MLS, human resource development and effective access to research facilities.

29B. If access to technologies was provided, please provide details of the access provided:

> The country has collaborated with crop networks e.g. Coconut Genetic Resources Network (COGENT) and Banana Asia Pacific Network (BAPNET).

30. Has your country provided for and/or benefitted from capacity building measures in respect of Annex 1 PGRFA?

Please select only one option

- Yes
 No

30A. If your answer is 'yes', please indicate whether such measures were related to:

- Establishing and/or strengthening programmes for scientific and technical education and training in conservation and sustainable use of PGRFA;
 Developing and strengthening facilities for conservation and sustainable use of PGRFA;
 Carrying out scientific research and developing capacity for such research.

30B. If your country provided for and/or benefitted from such measures, please provide details:

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Article 14: Global Plan of Action

31. Has your country promoted the implementation of the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture?

Please note that this question differs from question 15 as it only concerns Annex I PGRFA and is more specific.

Please select only one option

Yes

No

31A. If your answer is 'yes', please indicate whether the implementation of the plan was promoted through:

National actions

International cooperation

31B. If the implementation of the plan was promoted, please provide details:

> Implementation of the Global Action Plan has been promoted for ex situ conservation through the establishment of gene banks.

Article 15: Ex Situ Collections of Plant Genetic Resources for Food and Agriculture held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other International Institutions

32. Has facilitated access to Annex I PGRFA been provided in your country to the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (IARCs) or other international institutions that have signed agreements with the Governing Body of the Treaty?

Please select only one option

- Yes
 No

32A. If your answer is 'yes', please indicate:

To which IARCs or other international institutions facilitated access was provided;
The number of SMTAs entered into with each IARC or other international institution:
> Rice - IRRI
Coconut - COGENT
Banana - INIBAP Bioversity

32B. If your answer is 'no', please provide details of any difficulties encountered in providing facilitated access to Annex I PGRFA to IARCs and other international institutions that have signed agreements with the Governing Body of the Treaty

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33. Has access to non-Annex I PGRFA been provided in your country to IARCs or other international institutions that have signed agreements with the Governing Body of the Treaty?

Please select only one option

- Yes
 No

33A. If your answer is 'yes', please indicate:

To which IARCs or other international institutions access was provided;
The number of MTAs entered into with each IARC or other international institution:
> COGENT, INIBAP, Bioversity International, International Network for Genetic Evaluation of Rice (INGER)

33B. If your answer is 'no', please provide details of any difficulties encountered in providing access to non-Annex I PGRFA to IARCs and other international institutions that have signed agreements with the Governing Body of the Treaty:

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Article 16: International Plant Genetic Resources Networks

34. Has your country undertaken any activities to encourage government, private, non- governmental, research, breeding and other institutions to participate in the international plant genetic resources networks?

Please select only one option

Yes

No

34A. If your answer is 'yes', please provide details of such activities:

> Government, private, non-governmental, research, breeding and other institutions are represented in the Technical Support Working Group of the Department of Agriculture for the ITPGRFA.

Article 18: Financial Resources

35. Has your country provided and/or received financial resources for the implementation of the Treaty through bilateral, regional or multilateral channels?

Please select only one option

Yes

No

35A. If your answer is 'yes', where possible, please provide details of such channels and the amount of the financial resources involved:

> The DA-Bureau of Agricultural Research approved the project "Integrating the Plant Genetic Resources for Food and Agriculture into Decentralized Landscape Management for Food Security and Biodiversity Conservation in Critical Eco-Regions in the Philippines"

South East Asia Regional Initiatives for Community Empowerment (SEARICE) project entitled "Strategic Partnership with Farmer Innovators for Adaptation to Climate Change through Management of Plant Genetic Resources"

36. Has your country provided financial resources for national activities for the conservation and sustainable use of PGRFA?

Please select only one option

Yes

No

36A. If your answer is 'yes', please provide details of such national activities and the amount of the financial resources involved:

> The DOST Philippine Council for Agriculture and Forestry Resources Research and Development (PCARRD), DA-BAR, DA-BPI through National Seed Industry Council (NSIC) provided financial resources for national activities for the conservation and sustainable use of PGRFA.

About this reporting format

37. Have you encountered any difficulties in completing this reporting format?

Please select only one option

Yes

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No

37A. If your answer is 'yes', please provide details on such difficulties:

> It is usually difficult to answer a questionnaire that requires categorical answers, either yes or no, because there are many explanations for an answer that is neither yes nor no.

37B. If you have suggestions for improvement of this reporting format, please share them:

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General remarks on the implementation of the ITPGRFA

38. You may use this box to share any advice you may have arising from your country's experience with implementation of the Treaty:

> The Philippines still has to put in place our domestic framework. The Philippines needs to resubmit the draft Executive Order to the Office of the President for his approval.

39. You may use this box to share any additional information that may be useful to provide a broader perspective of difficulties in implementation of the Treaty:

> In the last administration, the EO was transmitted to the Office of the President with the concurrences of the Department of Agriculture, Department of Environment and Natural Resources, Department of Science and Technology, Intellectual Property Office and the National Commission on Indigenous Peoples. However, one of the custodians of PGRFAs, Philippine Coconut Authority for coconut, was transferred from the Department of Agriculture to the Office of the Presidential Assistant for Food Security and Agricultural Modernization (OPAFSAM) now Cabinet Secretary (CABSEC) under the current administration. We need to complete the required concurrences of agencies for the resubmission.

40. You may use this box to share any additional information that may be useful to provide a broader perspective of measures that could help to promote compliance:

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