

Legislation for the Philippine Eagle *Pithecophaga jefferyi*

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The Monkey-eating Eagle (*Pithecophaga jefferyi*) of the Philippines became a unique South-east Asian symbol for natural resource conservation after a series of national and international clamours over its plight. This persuaded the Philippine Government to draft exclusive legislation for the bird. Therefore, the Philippines is one of the few countries to have enacted a law specifically for a single bird of prey.

The Monkey-eating Eagle was first protected by Presidential Administrative Order No. 235 on August 25, 1970. The law, Republic Act No. 6147, was passed by Congress on November 9, 1970 and clarified by General Administrative Order No. 1, Series of 1971, on May 10, 1974. The law protects the eagle and provides for Government funding to enforce its preservation and study its biology. Thus the Monkey-eating Eagle, renamed the Philippine Eagle by Presidential Decree in 1978, became the focus of numerous conservation programmes.

Despite the most arduous and dedicated efforts to arrest its decline, this majestic flyer continues to slip towards extinction.

Habitat destruction is obviously the major culprit but the law protecting the eagle is not seriously enforced or regarded by the people as a deterrent to catching, keeping or killing eagles. The only two cases so far filed against violators were brought at the urging of foreign consultants.

Case 1

The first case involved the protection of a nest site. The nest was occupied and the eagle law states that no disturbance can occur within a 1km radius of a nest. Logging operations were ongoing but ceased at the request of Films and Research for Endangered Environment (F.R.E.E. Ltd.), a U.S.-based conservation group studying the eagle at the time. Residents continued to practise shifting cultivation and threatened the nest site when freshly-cleared plots were set on fire. A protest was raised by a member of the F.R.E.E. team, who implicated Government authorities for not protecting the area. Word reached the President of the Philippines, who issued an order dismissing the erring officials. These filed a rejoinder claiming that it was the logger's responsibility to protect the nest area since it was within his logging concession. The President cancelled the entire concession!

The backlash was tremendous. Loggers no longer trusted conservationists, especially the eagle people, and Government agents turned their backs on the law by ignoring other cases involving similar circumstances. It was the wrong response by outsiders to a local situation steeped in cultural anachronisms.

Case 2

The second case involved the illegal possession of a captive Philippine Eagle. Although 46 eagles have been confiscated by authorities since the legislation came into effect, only one case has been brought before the court.

The people who held the eagle thought they were above the law because of their social standing, and one family member happened to be a councilman. When the confiscation team attempted to retrieve the eagle, diplomacy was employed, and had the offenders freely given up the eagle, no case would have been filed. Unfortunately, the councilman became belligerent and defiantly announced that he was a lawmaker who could get an extension to the eagle law. In other words, the law did not apply to him or his family.

The confiscation team had to back off when the councilman issued an implied threat of physical violence if there was any attempt forcefully to confiscate the eagle. This aggressive move broke natural diplomatic protocol and prompted the authorities to retaliate. The team returned a week later with a court order and a military escort and confiscated the bird. A case was filed against the offending family, including the councilman. Bail was posted by the defendants and no court date was set for trial. Proceedings are commonly mothballed when defendants are dignitaries and time is seen as an ally that promotes healing and forgetfulness. They think that if things quieten down, the court may drop the charges or impose the most minimal of penalties. Since this is a landmark case, authorities are regularly questioning the court about the date for the hearing, so that this ploy is unlikely to succeed. The case is already being used as a precedent against individuals who break the eagle law and will certainly lend more teeth to this legislation if a solid conviction is ruled by the court.

CONCLUSION

The first case involved Presidential intervention, the second was the People of the Philippines versus the defendants and a product of due process. It is important to note the difference in the reactions concerning the two cases. It should be obvious that due process remains the avenue of choice, otherwise the law can turn into a monster of retribution and actually destroy what it is intended to save.

It is likely that diplomacy will remain the unwritten policy over the filing of charges because this method is culturally acceptable. Republic Act No. 6147 and General Administrative Order No. 1 have certainly been useful tools in educating the people about their eagle but the question is: Can the law itself stop the eagles' persecution? In the hands of dedicated people it can indeed help, but with the expanding social problems facing the Philippines it is doubtful if it will be enough.

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