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RM50,000 fine or jail for having bear parts

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KOTA KINABALU: A local rubber tapper was jailed two years and fined RM50,000 or six months' jail for having body parts of Malayan sun bears without permit. Sessions Court Judge Ainul Shahrin Mohamad handed the sentence to Jupilin Mojungkat, 41, after he changed his plea to guilty to the charge against him.

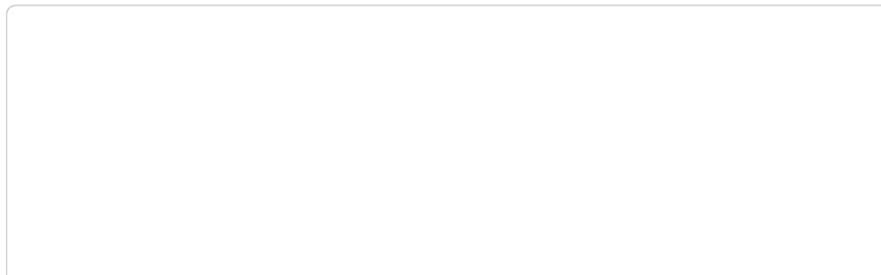
Jupilin was found to have four bear paws and one gall bladder at 11.45am on Aug 20, 2016 at the KK 56 Food Court in Asia City, here.

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The body parts of the endangered species is fully protected under the Wildlife Conservation Enactment 1997.

Jupilin was charged together with another accused Morin Masain, 28, who maintained to claim trial to the charge.

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The offence under Section 41(1) of the Wildlife Conservation Enactment 1997 provides for a fine of up to RM50,000 or a jail term of up to five years, or both, on conviction.

Morin, who was represented by counsel Michelle Usman, will go trial on July 17.

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Ainul allowed Jupilin's application to stay execution of the jail sentence pending appeal to the High Court but ordered him to pay the fine by Thursday.

During mitigation, counsel Ram Singh who represented Jupilin told the court that his client is the breadwinner of his family and worked as a rubber tapper who earns RM130 per month, which also depends on the price of rubber market.

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Ram said that Jupilin needed to take care of his elderly parents who are not well.

According to Ram, his client has no previous offence and that due to living in the interior district of Pitas, Jupilin was not aware of any restriction or notices put up on what species of animals are protected under the Wildlife Conservation Enactment 1977.

"Furthermore, originating from such interior parts of Sabah, he would not have knowledge of having need to obtain authorisation in writing by the minister acting on the advice of the director.

It is submitted that the people living in the interior parts of Sabah are not aware of such acts tantamounting to an offence.

"Even the notices put up in court on hunting, trading or being in possession pangolins are an offence under the Enactment are only available as notice in court today, what more for the accused having lived all the way in Kg Dowokon, Pitas, would not have knowledge of such notices being put up as warnings.

The accused should not be solely blamed for possession of the sun bear.

"Morin was also caught with him on Aug 20, 2016 and it is submitted that Morin was the one who initiated the meeting between them at Asia City.

"As Jupilin is from the interior part of Sabah, it was Morin who had initiated the meeting which resulted in both of them being arrested," Ram said.

However, Prosecuting Officer Abdul Karim Dakog of the Wildlife Department urged the court to impose a deterrent sentence on the grounds that the sun bear is a protected species in Sabah and its extinction rate is caused by the activity of taking the body part of this species.

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He added that a heavy sentence would not only give a lesson to Jupilin but the public at large to not commit the same offence. - Cynthia D Baga

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