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SENATE

S. No. 3010

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

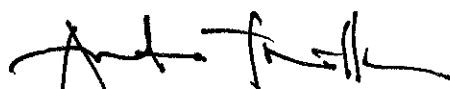
EXPLANATORY NOTE

The growing concern for ecological balance has been motivated by the natural disasters. Disastrous floods and droughts had been contributing to the general decline in the productivity of lowland farms and fishing grounds. These calamities can basically be attributed, in one way or another, to the environmental degradation, and more specifically, to the diminution of our forests.

With the natural disasters that our country has been experiencing through the past decade, a legislation that can address the problem of forest destruction through the establishment of systems for forest management is necessary. Indigenous people and other communities whose livelihood depend on the forest have the strongest incentive for ensuring the conservation and sustainable use of our forests.

This bill provides for a Community-Based Forest Management Program (CBFMP) to be undertaken by the Department of Environment and Natural Resources, the Department of Interior and Local Government, and local government units. With this, indigenous people and other forest communities will be empowered to manage, develop, utilize and protect forest resources in a sustainable way.

In view of the foregoing, early passage of this bill is earnestly requested.



ANTONIO "SONNY" F. TRILLANES IV
Senator

19 JAN 21 11 3

SENATE

S. No. 3010

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Introduced by Senator Antonio “Sonny” F. Trillanes IV

AN ACT
PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF FOREST
RESOURCES AND FOR OTHER PURPOSES

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 “Sustainable
Management of Forest Act of 2009.”

SEC. 2. *Declaration of Policy.* - In conformity with the provision of the
Constitution to promote the general welfare and social justice in all phases of national
development, to protect and advance the right of the Filipino people to a balanced and
healthy ecosystem in accordance with the rhythm and harmony of nature, and to conserve
and develop the patrimony of the nation, the State hereby adopts the following policies
relative to the management of forests and their resources on a sustainable basis:

(a) **Sustainable and integrated management and development of forest
resources.** The management and development of forest resources in an
integrated and sustainable basis, focusing on the resource and the people who
manage and benefit from it, shall be the guiding principle in the management,
protection, conservation and development of forest resources, hazardous or

1 less hazardous areas that may be declared as such by the Secretary of National
2 Defense;

3 (b) **Watershed as the basic forestland management unit.** Forestland
4 management plans shall be developed and implemented utilizing the
5 watershed as the basic management unit. The forestlands shall be managed
6 under the concepts of sustainable and multiple-use, including the conservation
7 of the bio-diversity.

8 (c) **Community-based forest management (CBFM) as the principal strategy.**
9 This involves the vesting of access rights and responsibilities to local
10 communities and Indigenous People's (IPS) to promote the management and
11 development of forestland 'resources " on a sustainable basis. It shall have
12 precedence over the other strategies.

13 (d) **Multi-Sectoral participation.** The participation of all sectors of society in
14 sustainable forestland management and development shall be promoted.
15 Equitable sharing of the benefits derived from the forestlands shall be ensured.

16 (e) **Reforestation and agroforestry as priority measures.** Reforestation,
17 agroforestry and other appropriate measures including assisted natural
18 regeneration (ANR) shall be given emphasis in order to rehabilitate and
19 restore productivity of denuded and degraded lands as well as increase income
20 of the marginalized sectors of society.

21 (f) **Protection and rehabilitation of forestlands as priority.** Protection and
22 rehabilitation of forestlands including all protected areas shall be given
23 priority to ensure environmental stability, enhance biological diversity and
24 provide economic benefits.

25 (g) **Permanency of forestland limits.** The specific limits of forestlands after

these have been fixed and demarcated shall not be altered except through the Act of Congress.

(h) **Forest resources to promote the common good.** The use of forest resources shall bear a social function, responsibility and accountability to promote the common good.

(i) **Professionalism in forest service.** A dynamic professional and people-oriented forest service shall be established and fully supported.

(j) **Security of tenure.** In pursuance of the principle of multi-use forest management, a secured tenure shall be guaranteed by the State.

SEC. 3. Definition of Terms. - As used in this Act, the following terms shall have the corresponding meanings:

a. *Agroforestry* - refers to a sustainable management of lands which increases their overall productivity by properly combining agricultural crops and/or livestock with forest crops simultaneously or sequentially through the application of management practices which are compatible with the local climate, topography, slope and soil as well as with the cultural patterns or customary laws of the local population.

b. *Alienable and Disposable Lands* - are those lands of the public domain which have been delineated, classified and declared as such and available for disposition under Commonwealth Act No. 141, as amended, otherwise known as the Public Land Act.

c. *Ancestral Domain* - refers to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, *force majeure*, or displaced by force, deceit or stealth.

d. *Annual Allowable Harvest* - refers to the amount or volume of materials, whether of timber, non-timber or other forest products, authorized by the government to be harvest within each year from the forests.

e. *Assisted Natural Regeneration (ANR)* - refers to systematic and sustained prevention of fire, care and tending of naturally-growing seedlings, and other related activities implemented to expedite the restoration of forest cover, including trees, brush and associated vegetation through the natural process of biological succession.

f. *Biological Diversity*. - means the variability among living organisms including, *inter-alia*, terrestrial, marine and other aquatic ecosystems and ecological complexes of which they are part, this include diversity within species, between species and ecosystems

g. *Brushlands* - refer to areas characterized by discontinuous cover of shrubby and non-woody vegetation including grasses usually as a result or repeated clearing and burning of the original forest cover

h. *Buffer Zones* - are areas outside the boundaries of and immediately adjacent to protected areas designated as such pursuant to Section 8 of the NIPAS Act that need special development control in order to avoid or minimize harm to the protected area.

i. *Commercial Logging* - refer to cutting or felling of trees in all types of forests for the purpose of disposing of the cut or felled logs for monetary profits beyond survival and livelihood means.

j. *Communal Forest* - refer to a tract of forestland set aside and established for a city, municipality or barangay for protection, watershed management, eco-tourism and related environmental purposes, or for implementation of socio-economic development pursuant to and consistent with the CBFM strategy as described herein.

k. *Community-Based Forest Management Strategy*- refers to all organized efforts of government to work with communities in and adjacent to public forest lands with the

1 intent to empower them, and entrust to them the protection, rehabilitation, management,
2 conservation, and utilization of the forest lands and resources therein.

3 l. *Conveyance* - refers to any vehicle, vessel, device or animals used in
4 transporting forest products.

5 m. *Co-Production Agreement* - is an agreement entered into by and between a
6 qualified person/s and the government for the former to develop, utilize and manage,
7 consistent with the principle of sustainable development a specified portion of the
8 forestland wherein both parties agree to provide inputs and share the products or their
9 equivalent cash value.

10 n. *Critical Watershed* - is that portion of a watershed reservation which has been
11 classified as strict protection zone and closed to all human activity except for scientific
12 studies, or for, traditional, ceremonial, or religious use by indigenous peoples.

13 o. *Department* - refers to the department of Environment and Natural Resources.

14 p. *Environment Impact Assessment (EIA)* - refers to the process of predicting the
15 likely environmental consequences of implementing projects or undertakings, and
16 designing the appropriate preventive, mitigating or enhancement measures.

17 q. *Environmental Compliance Certificate* - refers to the document issued by the
18 Department certifying that a proposed project or undertaking will not cause a significant
19 negative environmental impact; that the proponent has complied with all the requirements
20 of the Environmental Impact Assessment (EIA) system, and that the proponent is
21 committed to implement its approved Environment Management Plan in the EIS or
22 mitigation measures in the Initial Environmental Examination (IEE).

23 r. *Environmental Impact Statement (EIS) System* - refers to the entire process of
24 organization, administration, and procedures institutionalized for purposes of assessing
25 the significance of the effects of any project or undertaking on the quality of the physical,

1 biological and socio-economic environment, and designing appropriate mitigating and
2 enhancement measures.

3 s. *Flitch* - refers to a large piece of sawn log or, as that term is commonly applied,
4 to a part of a log of a greater thickness than a plank or board

5 t. *Forest* - refers to either natural vegetation or a plantation of forest crops such as
6 trees, or both, occupying a definable, uninterrupted or contiguous areas exceeding but not
7 less than one hectare in size with three crown covering at least ten percent (10%) of the
8 area, exclusive of the associated seedlings, saplings, palms, bamboos and other
9 undercover vegetation. A natural forest is a stand dominated by trees whose structure,
10 functions and dynamics have been largely the result of a natural succession process. It
11 includes such stand types as dipterocarp, pine, mossy, molave, beach and mangrove. For
12 the purpose of this Act, natural forests may be classified according to 1) primary use and
13 management objective, and 2) growth formation. In terms of primary use and
14 management, a forest shall either be classified as 1) protection forest; 2) production forest
15 or 3) multiple-use forest after its most suitable function has been determined pursuant to
16 this Act. In terms of growth formation, a natural forest is classified as either 1) primary or
17 old-growth forest which has not never been subjected to significant human disturbance,
18 or has not been significantly affected by hunting and gathering of forest products, such
19 that its natural structure, functions and dynamics have not undergone any major change;
20 or 2) managed forest as herein defined.

21 u. *Forest Charges* - refer to levies imposed and collected by the government on
22 timber and other forest products.

23 v. *Forest Community* - is a group of people residing inside or immediately
24 adjacent to a particular forestland who are largely or partly dependent on the forest
25 resources found therein for their subsistence.

1 w. *Forestlands* - refer to lands of the public domain which have been classified as
2 such pursuant to this Act and all unclassified lands of the public domain.

3 x. *Forest Officer* - refers to any public officer who by nature of his/her
4 appointment or the functions of the position to which he/she is appointed, is delegated by
5 law and regulations or commissioned by competent authorities, to execute, implement or
6 enforce the provisions of this Act and other related laws and regulations.

7 y. *Forest Plantation* - refers to a tract of land extensively planted to forest trees,
8 rattan, bamboo, and all other forest species.

9 z. *Forest Resources* - refers to all natural resources whether biomass such as
10 plants and animals or non-biomass such as soil and water as well as intangible services
11 and values present in forestlands or in other lands devoted for forest purposes.

12 aa. *Grazing Land* - refers to a part of the forestland designated and managed for
13 the raising of livestock.

14 bb. *Indigenous Cultural Communities (ICC)* - refers to a group of people living in
15 homogenous societies identified by self-ascription and ascription by others, who have
16 continuously lived as an organized community on communally bounded and defined
17 territory, and who have continuously lived as an organized community on communally
18 bounded and defined territory, and who have, under claims of ownership since time
19 immemorial, occupied, possessed and utilized such territories, sharing common bonds of
20 language, customs, traditions and other distinctive cultural traits, or who have, through
21 resistance to political, social and cultural inroads of colonization, non-indigenous
22 religious and cultures, because historically differentiated from majority of the Filipinos.
23 ICCs shall likewise include peoples who are regarded as indigenous on account of their
24 descent from the populations which inhabited the country, at the time of conquest or
25 colonization, or at the time of inroads of non-indigenous religious and cultures, or the
26 establishment of present state boundaries, who retain some or all of their own social,

1 economic, cultural and political institutions, but who may have been displaced from their
2 traditions domains or who may have resettled outside their ancestral domains. As used in
3 this Act indigenous cultural community is synonymous with indigenous people (IP).

4 cc. *Industrial Forest Plantation or IFP* - refers to any tract of land and other
5 public and private lands planted to timber producing species, including rubber and/or
6 non-timber species such as rattan and bamboo, primarily to supply the raw material
7 requirements of existing or proposed forest-based industries, energy-generating plants
8 and related industries.

9 dd. *Joint Venture Agreement* - is an agreement whereby a joint-venture company
10 is organized by the government and a qualified person, with both parties having equity
11 shares, to develop and manage, consistent with the principles of sustainable development,
12 a portion of a forestland under terms and conditions mutually acceptable to both parties

13 ee. *Kaingeros* - refer to upland farmers who practice slash-and-burn or shifting
14 cultivation.

15 ff. *Managed Forest* - refers to a forest under deliberate system of protection,
16 rehabilitation and development which may include utilization of resources, to ensure the
17 production of desired products and services, and the conservation of soil, water, wildlife
18 and other natural resources therein for the benefit of present and future generations.

19 gg. *Multiple Use* - refers to harmonized utilization, development and management
20 of forestland for the production of two or more products, goods and/or services in
21 conformity with the principle of sustainable development.

22 hh. *National Park* - refers to a forest reservation essentially of natural wilderness
23 character which has been withdrawn for settlement, occupation or any form of
24 exploration except in conformity with an approved management plan and set aside as
25 such primarily to conserve the area or preserve the scenery, the natural and historic

1 objects, wild animals and plants therein and to provide enjoyment of these features in
2 such areas

3 ii. *Non-Government Organization (NGO)* - refers to a responsible non-stock, non-
4 profit organization created or established primarily for voluntary service

5 jj. *Permit* - refers to the privilege granted by the government to a person to utilize
6 forest and wildlife resources, or to undertake specified forestry activities inside the
7 forestland which may or may not include any right of possession and occupation therein,
8 or to establish and operate a plant for processing timber, non-timber or other forest
9 products.

10 kk. *Person* - refers to a natural as well as a juridical person

11 ll. *Processing Plant or Mill* - refers to a physical structure including its
12 complement of machinery and equipment used for processing of timber or logs, other raw
13 wood, non-timber or other forest products into semi-finished or finished forms.

14 mm. *Production Sharing Agreement* - is a contract wherein the government grants
15 to a person the privilege to manage, develop and utilize forest resources within a specific
16 area and period of time, with the grantee providing the financing, technology,
17 management, personnel and other inputs necessary for the implementation of the
18 agreement, and both parties sharing the benefits under terms and conditions set forth in
19 the agreement.

20 nn. *Protected Areas* - are those areas defined and designated as such pursuant to
21 Republic Act no. 7586 or NIPAS Act.

22 oo. *Reforestation* - refers to all land use activities directed towards the restoration,
23 establishment and sustained management of diversified vegetation on denuded, degraded
24 and/or marginal lands, including but not limited to the planting and tending of timber,
25 orchard and multi-use trees, perennial leguminous vines (Le. cover crops), grass, shrubs,

1 vegetative hedgerows grown on contours, the establishment of check dams and other
2 measures which contribute to soil and water conservation.

3 pp. *Reservation* - refers to an area of forestland that has been reserved by law for
4 a specific purpose.

5 qq. *Rotation* - refers to the number of years between the initial establishment of a
6 plantation and the time when it is considered ready for harvesting.

7 rr. *Secretary* - refers to the Secretary of the Department of Environment and
8 Natural Resources.

9 ss. *Semi-finished Wood Products* - refer to end products requiring final stages of
10 manufacture and/or assembly such as, but not limited to, window components, table tops,
11 veneer and other similar products.

12 tt. *Sustainable Development* - means meeting the needs of the present generation
13 without compromising the ability of the future generation to meet their own needs.

14 uu. *Sustainable forest Management and Development* - is the process of
15 managing, developing, and utilizing forestland resources to achieve the production of
16 desired products or services without impairing the inherent productivity of the forest
17 thereby insuring a continuous flow of these products or services.

18 vv. *Tenure* - means guaranteed peaceful access to and use of specific forestland
19 area and the resources found in it by an agreement, contract or grant which cannot be
20 altered or abrogated without the process.

21 ww. *Tiber License Agreement or TLA* - refers to a privilege granted by the State to
22 a person to utilize forest resources within a forestland with the right of possession and
23 occupation thereof, to the exclusion of others, except the Government, but with the
24 corresponding obligation to develop, protect and rehabilitate the same in accordance with
25 the terms and conditions set forth in the said agreement.

xx. *Trade* - means the act of engaging in the exchange, purchase or sale of forest products locally or internationally.

yy. *Watershed* - is a land area drained by a stream or a fixed body of water and its tributaries having a common outlet for surface runoff.

zz. *Watershed Reservation* - refers to a forestland defined in this Act and those that have been proclaimed by law as such, primarily for water production purposes. Other compatible uses may be allowed by the Secretary under the sustainable and multiple-use management concept.

aaa. *Wildlife* - means wild forms and varieties of flora and fauna.

bbb. *Wood-Based Industries* - refer to various industries that are dependent on wood as the principal raw material including but not limited to, the saw milling industry, pulp and paper industry, plywood and veneer manufacturing industry, as well as the secondary and tertiary wood processing industries such as mouldings, and furniture, among others.

CHAPTER II

LIMITS AND CLASSIFICATION OF FORESTLANDS

SEC. 4. *Limits of Permanent Forestlands.* - The permanent forestlands shall be those lands of the public domain classified and delimited pursuant to this Act.

All, land of the public domain classified as forestlands by the Department as of December 1994, under its Land Classification Program are hereby declared as permanent forestlands.

Within twenty-four (24) months from the effectivity of this Act, the Department shall submit to Congress maps of appropriate and uniform scale indicating, by province, the specific limits of land already classified as permanent forestlands pursuant to the immediately preceding paragraph.

1 The Department shall complete the classification of the remaining unclassified
2 land of the public domain within three (3) years from the effectivity of this Act. All such
3 lands which shall be classified as forestlands shall also be declared as permanent
4 forestlands upon submission by the Department of Congress, of the maps of said
5 forestlands; *Provided*, That no lands of the public domain eighteen percent (18%) or over
6 in slope shall be classified as alienable and disposable lands: *Provided, further however*,
7 That those forestlands with well-established communities duly recognized in writing
8 under the Local Government Code and RA 8371 shall be allowed to continue occupying
9 and using the specific areas they present occupy and use, subject to such rules and
10 regulations the Department may provide to ensure sustainable land-use management, and
11 tenure security, and : *Provided, finally*, That all Department records pertaining to the
12 specific limits of forestlands shall be made available to the public upon request. The
13 Department shall furnish all provincial, municipal and city government units copies of
14 the maps of permanent forestlands located within their respective territorial jurisdiction.

15
16 **SEC 5. Additional Areas to be Included as Permanent Forest Lands.-** The
17 following lands, although below eighteen percent (18%) in slope, are needed for
18 environmental ' 29 protection and forestry purposes and shall not therefore, be classified
19 as alienable and disposable lands, nor be subject to, logging, mining, quarrying, and such
20 other form of occupancy, land use or resource extraction activities:

- 21 a. Areas less than two hundred fifty hectares (250 ha.) which are far from, or not
22 contiguous with any certified alienable or disposable land;
- 23 b. Isolated patches of forest of at least five hectares (5 ha.) which rocky terrain or
24 which protect a spring for communal sue;
- 25 c. Areas of not less than ten hectares (10 ha.) covered with natural forest;

1 d. All mangroves and swamplands which are not yet classified as alienable and
2 disposable lands;

3 e. Ridge tops and plateaus regardless of size found within or surrounded wholly or
4 partially by forestlands where headwaters emanate;

5 f. Appropriately located road rights-of-way;

6 g. Twenty-meter (20 m.) strips of land along the edge of the normal high
7 waterline of rivers and streams with channels of at least five (5) meters wide, which are
8 not classified as alienable and disposable;

9 h. Strips of mangrove or swamplands at least twenty (20) meters wide, along the
10 shoreline facing oceans, lakes and other bodies of water, and strips of lands at least
11 twenty (20) meters wide facing lakes, which are not yet classified as alienable and
12 disposable;

13 i. Areas needed for other purposes of public interest such as national parks,
14 national historic sites, game refuge and wildlife sanctuaries, forest station sites,
15 research/experimental purposes, and others;

16 j. Areas previously proclaimed by law as forest reserves, national parks, game
17 refuge, bird sanctuaries, national shrines, national historical shrines, and national historic
18 sites;

19 k. Areas within watershed reservations; and

20 l. Areas considered environmentally critically because of their vulnerability to
21 damage from typhoons, landslides, volcanic eruptions and natural causes.

22 Owners who have acquired vested rights over lands enumerated above are
23 required to implement soil and water conservation measures in coordination with the
24 Department and the appropriate local government unit. An Environmental Compliance
25 Certificate (ECC) shall be required for environmentally critical projects in accordance
26 with existing law. *Provided*, That the Department and/or the local government unit

1 concerned shall immediately take the necessary steps to expropriate the property
2 concerned or cancel or amend any titles issued thereon under any of the following
3 conditions:

4 a. Failure of the owner, after due notice, to implement appropriate soil and water
5 conservation;

6 b. Failure of the owners to comply with ECC requirements;

7 c. The issuance of titles or other tenorial instruments over such areas was
8 accomplished through fraud, deceit, misrepresentation or other anomalies; and

9 d. When public interest so requires.

10
11 **SEC. 6. *Non-Diminution of the Specific Limits of Forestlands.*** – The specific
12 limits of the permanent forestlands as determined in accordance with Section 4 and 5 of
13 this Act shall not be altered except by an Act of Congress.

14
15 **SEC. 7. *Delineation of Boundaries of Forestlands.*** - The Department shall
16 within three (3) years upon the effectivity of this Act delineate on the ground. the
17 boundaries between the permanent forestlands and alienable or disposable lands with
18 concrete monuments, road or infrastructure, or any other visible permanent and practical
19 signs. The Department shall allocate funds for appropriation in the annual General
20 Appropriations Act for the purpose of land classification and boundary delineation of
21 forestlands.

22
23 **SEC. 8. *Sub-classification of the Forest Land*** - The Department shall have the
24 authority to sub-classify the permanent forestlands into the following categories
25 according to primary use:

a. *Protection forests* - all areas within the forestlands designated or set aside as protected areas pursuant to the NIPAS Act shall constitute the protection forest. All mossy and old growth forests shall also be classified as protection forests. The establishment and management of protection forests shall be in accordance with the said NIPAS Act.

b. *Production forests* - all permanent forestland not classified as protection forest pursuant to the immediately preceding paragraph (a) shall be classified as either production forests devoted to production of forest products, other crops and services, or as multiple-use forests consistent with the definition set forth in Chapter I, Section 3, paragraph (ff) hereof. The management of production forests shall be in accordance with a management plan based on sustainable for management principles and approved by the Department. In the implementation of sub-classification, the Department shall consult with the concerned communities, local government units and other stakeholders. Documentary evidence of consultation initiatives, such as community assemblies, public hearings and the like shall be included in the official records covering each sub-classification exercise.

CHAPTER III

ADMINISTRATION AND MANAGEMENT OF FOREST LANDS

SEC. 9. *Jurisdiction and Control of Forestlands.* - The Department shall be the primary agency responsible for the conservation, management and utilization of all forestlands and the unclassified lands of the public domain. The Department in coordination with Local Government Units and other government agencies pursuant to Section 10 and 11 hereof, shall ensure that forestlands and unclassified lands of the public domain are managed, conserved, developed, utilized and protected consistent with the policies promulgated in this Act. The utilization and development of forestlands

1 and unclassified lands of the public domain including the natural resources therein shall
2 be undertaken in accordance with a Department approved sustainable watershed
3 management plan.

4
5 **SEC. 10. *Participation of Local Government Units in Forest Management* -**

6 Pursuant to the pertinent provisions of Republic Act No. 7160, otherwise known as the
7 Local Government Code, the Local Government Units (LGU) shall faithfully share the
8 responsibility in the sustainable management and utilization of forest resources within
9 their territorial jurisdiction including those assigned by law under the administration of
10 other government agencies as defined in Section 11, hereof. The LGU and the
11 Department, in consultation with other government agencies, local communities, non-
12 government organizations and other sectors, shall jointly undertake the preparation and
13 implementation of forestland use and watershed management plans which shall be made
14 an integral component of the LGU's comprehensive land use development plan. The
15 LGU shall be consulted on any and all forestry projects to be implemented in their
16 territorial jurisdiction and shall have equitable share of the revenues derived from the
17 forest. For this purpose, the Department, the Department of Interior and Local
18 Government (DILG), the leagues of provinces, cities, municipalities and barangays shall,
19 within one (1) year from the passage of this Act, formulate a joint strategy and program to
20 implement the provision of this Act. Nonparticipation, refusal or inaction of LGUs to
21 faithfully share the responsibilities as herein provided shall constitute an express waiver
22 to participate in forest management and the equitable share of incomes derived therefrom.

23
24 **SEC. 11. *Forestlands Under Other Government Agencies.* -** Forestlands and or
25 portions of such, which have been assigned by law under the administration and
26 management of other government agencies for specific purposes, including those

1 devolved to LGUs prior to the passage of this Act, shall remain under the administration
2 and management of these government agencies. These agencies shall be responsible for
3 their protection, rehabilitation and conservation. These forestlands shall be administered
4 in accordance with a forest management plan, which shall be prepared within one year
5 from the effectivity of this Act, in coordination with the Department, LGUs, local
6 communities and organization. *Provided*, That the Department and the concerned LGU
7 and the concerned government agency shall periodically review and of forest products
8 particularly timber, and building of roads and other infrastructure shall require prior
9 authorization of the Secretary of the Department. The Secretary or his duly-authorized
10 representative shall have visitorial and supervisory powers over forestlands placed under
11 the administration and management of other government agencies. *Provided, finally*, That
12 these forestlands, or portions thereof, shall be reverted to the jurisdiction and control of
13 the Department when they are no longer needed for the purpose for which they have been
14 constituted, or in the event of failure of the agency concerned to rehabilitate, protect, and
15 conserve the forestland resources in accordance with the approved management plan. The
16 Department shall determine the use of the reverted forestlands.

17
18 **SEC. 12. *Forest Resources Within Alienable and Disposable Lands.*** - The
19 Department shall encouraged and provide incentives to land owners of alienable and
20 disposable lands to keep the natural forest on their lands under sustainable management
21 or develop and maintain a tree plantation on such lands. Landowners may register their
22 forests with the Department and shall be assisted in the preparation of a management
23 plan, and given other technical assistance. The utilization of trees and other forest
24 resources shall be allowed in accordance with the management plan.

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CHAPTER IV

SUSTAINABLE MANAGEMENT OF FOREST RESOURCES

SEC. 13. *Sustainable Forest Management Planning.* – The Department, in

consultation and coordination with local government units and other concerned sectors such as but not limited to other government agencies, local communities, non-government organization, individual and corporate private investors and other sectors, shall adopt and implement a sustainable forest management plan for each well-defined watershed or other appropriate forest management unit. Within one (1) year from the effectivity of this Act, the Department shall prepare a Sustainable Forest Management Strategy (SFMS) that will guide the preparation of site-specific forest management plans based on criteria, indicators and standards (minimum requirements) for sustainable forest management. The SFMS shall, at the minimum, address the following

a. promotion of rational allocation of forestland uses and land use practices that increase productivity, and conserve soil, water and other forestland resources;

b. protection of existing forest resources and conservation of bio-diversity;

c. rehabilitation of denuded areas to expand the forest resource base, thereby promoting agricultural development and other food production activities;

d. enhancement of the socioeconomic well-being of local communities including indigenous peoples who are largely dependent of the forest for their livelihood;

e. observance of stakeholder participation through consultation between and among the Department, local government units, other national agencies, and civil society in the sustainable management of forest lands;

f. adoption of Community-based forest management as the principal strategy in the management of forest land and resources, and the formulation of incentives designed to promote sustainable forest management pursuant to this strategy;

1 g. formulation of incentives designed to promote development and sustained
2 profitability of the forest industry sector by private sector investors operating either
3 independently or in collaboration with forest-based communities;

4 h. integration of forest management plans with the local land use and
5 development plans; and

6 i. adoption of an effective system for monitoring forest management and status
7 including optimum use of advanced technology such as, but not limited to, satellite
8 imagery analysis.

9
10 **SEC. 14. *Environmental Impact Assessment.*** - All new projects to be
11 implemented in forestlands including harvesting, grazing and other special uses, mineral
12 prospecting and exploration, road, infrastructure, and building construction shall be
13 subject to the Environmental Impact Assessment System.

14
15 **SEC. 15. *State of the Environment Report.*** - The Department shall conduct
16 research to the extent and state of natural forests, including forest occupants in each
17 region and province, furnishing annually both Houses of Congress a copy of the State of
18 the Environment report.

19 20 **CHAPTER V**

21 **COMMUNITY-BASED FOREST MANAGEMENT**

22 **SEC. 16. *Community-Based Forest Management Strategy (CBFMS).*** - Forest
23 communities, indigenous peoples and other communities whose lives, culture and general
24 well-being are intimately linked with the forests, shall be entrusted with the responsibility
25 and the privilege to protect, manage, develop and utilize forest resources under the
26 principle of stewardship. Pursuant to this policy, the State herein adopts Community-

1 Based Forest Management Strategy (CBFMS) as a principal strategy to achieve
2 sustainable forestland management, social justice and economic development particularly
3 in the rural areas. The Department shall formulate policies and guidelines that simplify
4 and facilitate access to and sustainable management of forestland resources by local
5 communities. The Department shall furthermore develop policies, guidelines and
6 incentives for private sector investors to enter into mutually beneficial relationships with
7 communities in the pursuit of sustainable forest management, social justice and economic
8 development particularly in the rural areas. The Department shall formulate policies and
9 guidelines that simplify and facilitate access to and sustainable management of forestland
10 resources by local communities. The Department shall furthermore develop policies,
11 guidelines and incentives for private sector investors to enter into mutually beneficial
12 relationships with communities in the pursuit of sustainable forest management.

13
14 **SEC. 17. *Community Resources Management in CBFM Areas.*** – The
15 management of forestland resources in CBFM areas shall be embodied in a Community
16 Resource Management Plan which contains the community's vision, aspirations and
17 strategies in the management of forestland resources. The Department, local government
18 units, other government agencies, non-government organizations, private companies and
19 individuals and other sectors shall provide these communities with appropriate long-term
20 security of tenure; technical, managerial and financial assistance, training and other
21 assistance to empower them to manage and benefit from the forestland resources on a
22 sustainable basis.

23
24 **SEC. 18. *Qualified Participants.*** - Only organized forest communities as defined
25 in this Act shall be eligible to participate in the CBFM strategy. The indigenous people
26 shall be encouraged to actively participate in the implementation of CBFM activities in

1 recognition of their rights to their ancestral domains and lands. All organizations eligible
2 to participate in CBFM shall have the following qualifications:

3 a. Members shall be Filipino citizens; and

4 b. Members may either be:

5 1. Actually tilling portions of the area to be awarded;

6 2. Traditionally utilizing the resource for all or a substantial portion
7 of their livelihood;

8 3. Actually residing within or adjacent to the areas to be awarded;

9 4. Tenured migrants as defined in R.A. 7586
10

11 **SEC. 19. *Community-Based Management Special Account.*** – The Department
12 shall establish and manage a Community-Based Forest Management Special Account
13 (CBFMSA) to support the implementation of the CBFM strategy and provide financial
14 and professional incentives for deserving communities and government personnel. The
15 Department may source local and international grants and donations for the establishment
16 of the CBFMSA. Other sources of funds may later be determined by the Department
17 subject to existing government regulations.
18

19 **SEC. 20. *Creation of Financing Mechanisms for CBFM.*** - The Department, in
20 coordination with other agencies of government, shall develop measures for sustained
21 financing to establish CBFM in all areas of the country. Towards this end, the
22 Department shall prioritize the following: Within six (6) months from enactment of this
23 Act, the Secretary shall organize a committee composed of duly-authorized
24 representatives of the Development Bank of the Philippines (DBP), the Land Bank of the
25 Philippines (LBP), the Government Service Insurance System (GSIS), the Social Security
26 System (SSS), the Bankers Association of the Philippines and other government and

1 private financial institutions to formulate workable financing mechanisms and
2 instruments to fund implementation of the CBFM strategy and its sub-strategies. The
3 committee shall elect its chairman from among its members and shall, within one year
4 from effectivity of this Act, prepare the necessary policies, guidelines and procedures for
5 this purpose.

6 a. In recognition of the favorable impact on water quality and supply that can be
7 achieve through sustainable forest management, the Department, in collaboration with the
8 Department of Local Government, and all government, semi-government and private
9 agencies involved in water management and distribution, shall formulate policies,
10 procedures and guidelines for collection of fees for water used for domestic, industrial
11 and agricultural purposes, and allocation of such fees for watershed protection. The
12 relevant policies, procedures, and guidelines shall be designed to ensure that the
13 communities responsible for managing specific areas of forest land and resources are
14 rewarded for the management and protection measures they apply, given the benefits of
15 water supply that accrue to society at large as a result of their efforts.

16 b. Within one (1) year from effectivity of this Act, the Secretary shall submit the
17 results of (a) and (b) above to Congress through the Office of the President for enactment
18 of appropriate enabling legislation.

19
20 **SEC. 21. *Areas Available for CBFM.*** - Subject to prior vested rights, the
21 CBFMS shall be implemented on all public forestlands, ancestral domains of ICCs and
22 on protected areas subject to the provisions of the NIPAS Law. CBFM may allowed by
23 the Secretary in watershed reservations to promote adequate protection and rehabilitation
24 provided that land-use practices and activities would not induce severe soil erosion and
25 surface run-off.

SEC. 22. *Recognition and Management of Ancestral Domains.* -- The recognition and management of ancestral domains shall be governed by the provisions of Republic Act 8371, otherwise known as the “Indigenous People’s (IPS) Rights Acts of 1997.” The National Commission on Indigenous Peoples (NCIP) shall coordinate with the Department in providing assistance to the indigenous peoples in the sustainable management of forest resources within ancestral lands and domains.

CHAPTER VI

REFORESTATION PROGRAM

SEC. 23. *Reforestation in Forestland.* - Consistent with Section 13 hereof, the Department, in coordination with local government units (LGUs), other government agencies, NGOs, local residents and communities shall identify and prioritize forest lands to be reforested pursuant to the definition contained in Chapter I, Section 3, paragraph (nn) hereof and consistent with the land use of the LGUs.

a. In each prioritize area, whether at the city, municipal or provincial level, the Department, in coordination with the concerned LGU, shall design an accelerated reforestation program designed to accomplish reforestation on a least fifty percent (50%) of the prioritized area within five (5) years and eight percent (80%) of the area within ten (10) years from effectivity of this Act.

b. To achieve the goals set forth in the immediately preceding paragraph (a), the Department shall develop strategies that promote and encourage broad-based participation of all sectors, particularly forest communities, LGUs, private investors and non-government organizations, in reforestation.

c. In its annual budget submission to the Legislature, the Department shall include budgetary allocations in the General Appropriations Act in adequate amounts to effectively accomplish reforestation of prioritized target areas.

1 **SEC. 24. *Development of Protection Forests.*** - In the identification of target
2 areas pursuant to Section 22 above, the Department shall prioritize establishment of tree
3 cover, other diversified perennial vegetation and accompanying soil and water
4 conservation measures on lands that have a direct impact on water supply and quality,
5 bio-diversity and environmental protection, with special emphasis on lands covered by
6 the NIPAS Act.

7 a. Pursuant to the sound principles of ecological succession, and to achieve
8 optimum cost-effectiveness, assisted natural regeneration (ANR) shall be prioritized in
9 the development of protection forests and not less than fifty percent (50%) of the
10 Department's annual appropriations for development of protection forests shall be
11 allocated for ANR implementation.

12 b. Measures which harmonize human occupation and environmental protection
13 shall be included in the development of protection forests including land terracing,
14 establishment of vegetative hedgerows on contours, planting of fruit trees, bamboo and
15 the like.

16
17 **SEC. 25. *Development of Production Forests.*** – Reforestation strategies shall
18 emphasize, prioritize and encourage the development of underutilized private land to
19 eventually supply the major portion of timber, bamboo, rattan and other forest products
20 needed to satisfy local demand and take optimum advantage of export opportunities.

21 a. Towards this, end, the Department shall provide free technical assistance to
22 landowners who wish to implement reforestation on their private lands.

23 b. All trees and other forest products grown on private lands shall be considered
24 agricultural crops belonging to the owner who shall have the right to sell, contract,
25 convey, process or dispose of the same in any manner he/she sees fit. No forest charges,
26 environmental fees or similar levies shall be imposed by national government agencies

1 and/or local government units on such trees and other forest products grown on private
2 land, nor shall any rules or regulations be enacted to control the transport of such
3 products except those necessary to prevent accidents or damage to roads and other
4 infrastructure. Furthermore, the owners shall be entitled to the incentives provided under
5 Section 26, subsections (a), (b), (c), (d) and (e) hereof.

6 c. In addition to private land, the development of production forests on
7 government land (i.e. forestlands) shall also be encouraged by way of long-term lease and
8 other mechanisms formulated by the Department and consistent with the provisions of the
9 Constitution and relevant legislation. The Department, in coordination with potential
10 investors, shall identify denuded areas for development of production forests on
11 government lands.

12 d. The conversion of natural forests on government land to plantations or other
13 land use shall be totally banned for a period of thirty (30) years from effectivity of this
14 Act.

15
16 **SEC. 26. *Reforestation or Establishment of Forest Plantation in Forest Lands***
17 ***Under Other Government Agencies.*** - Other government agencies and institutions
18 having jurisdiction over forestlands as provided under Section 10 and 11 of this Act shall
19 be responsible for the reforestation and rehabilitation of denuded and degraded portions
20 of the forestlands under their jurisdiction. Within two (2) years from the effectivity of this
21 Act, such other agencies/institutions shall formulate management plans for their areas,
22 indicating therein the sites identified for reforestation, and sites that will be used for other
23 purposes. These plans shall be subject to approval by the Department. Failure to reforest
24 lands identified for the purpose within five (5) years from Department approval of the
25 management plans shall be sufficient grounds to revert the said forestlands to the

jurisdiction and control of the Department. The Department shall provide necessary technical assistance upon request by the concerned agencies.

SEC. 27. *Incentives.* - To encourage qualified persons to engage in forest plantation activities, the following incentives shall be granted, in addition to those already provided by existing laws:

a. The agreement holder shall not be subject to any obligation prescribed or arising out of the provisions of the National Internal Revenue Code on withholding tax at source upon interest paid on borrowing incurred for the development of forest plantations;

b. Amounts expended by the agreement holder in the development and operation of a forest plantation prior to the commercial harvest, shall be regarded as ordinary and necessary expense as capital expenditure;

c. The Board of Investments shall classify forest plantations as pioneer and preferred areas of investment under its annual priority plan subject to the rules and regulations of the said Board;

d. The agreement holder shall be given priority in credit assistance granted by Government-owned, controlled and/or supported financial institutions. For this purpose, the Committee created under Section 19 of this Act and the Department shall within one (1) year of the effectivity of this Act, create a favorable mechanism to support reforestation and establishment of forest plantations;

e. Upon the premature termination of agreement at no fault of the holder, all depreciable including the planted, standing trees and other forest crops introduced and to be retained in the area shall be properly valuated and the holder shall be mutually agreed upon by both the Department and the holder and in case of disagreement between them, by a mutually acceptable impartial third party;

1 f. No contract or agreement shall be terminated except for cause or for reason of
2 public interest, and only after due process which informs the concerned parties of the
3 intention to terminate and allows them to present their objections, comments or other
4 relevant information; and

5 g. The agreement holder has the right to transfer, contract, sell or convey his
6 rights to any qualified person.

7 The Secretary of the Department may provide or recommend to the President,
8 other incentives in addition to those granted under this Section to promote reforestation
9 and establishment of forest plantations.

10
11 **SEC. 28. *Voluntary Offer to Reforest*** - Private landowners, whether natural or
12 juridical persons may participate in reforestation and plantation development or similar
13 programs of the Department, with the landowner contributing his land and the
14 Department furnishing funds to reforest the area; *Provided*, That the property shall be
15 exclusively devoted to the planting of forest species for at least one (1) rotation, which
16 undertaking shall be annotated at the back of the title of the property.

17
18 **SEC. 29. *Establishment of City or Municipal Parks or Forests.*** – Every City or
19 Municipality shall establish a city or municipal park or forest and shall include in its
20 yearly budget the necessary funds for its establishment and maintenance. The Department
21 shall provide technical assistance to the city or municipality concerned upon request, and
22 shall coordinate with the Department of Interior and Local Government, non-government
23 organizations and other sectors to ensure compliance with this provision. The Department
24 shall, upon request of concerned LGU, set aside areas for watersheds or other purposes
25 that are consistent with forest conservation and protection of the environment.

SEC. 30. Establishment of Tree Parks in Subdivision and Providing Tree Planting on Roadsides. - Every subdivision project to be developed after the passage of this Act shall include the establishment of a tree park covering not less than fifty percent (50%) of the total open spaces required under existing laws and regulations. Guidelines for the establishment of tree parks within subdivisions shall be prepared jointly by the Housing and Land Use Regulatory Board (HLURB) and the Department. For every national, provincial, city or municipal road/highway construction project, the Department of Public Works and Highways (DPWH) or the concerned LGU shall include the planting and maintenance of tree and/or perennial shrubs along the road/highway, and establishment of roadside parks-cum-rest areas planted to trees and/or perennial shrubs every fifty (50) kilometers along the road/highway, and shall provide adequate funds for this purpose in the respective budget for road/highway construction.

CHAPTER VII

FOREST PROTECTION

SEC. 31. *Commercial Logging Activities.* - In all forestlands as defined in Section 3 (w) hereof, there shall be a ban on all commercial logging activities for a period of thirty (30) years from the effectivity of this Act, and the issuance of licenses, permits or agreements to harvest timber from natural forests in forestlands is hereby prohibited, except as provided under Section 33, hereof. Existing timber license agreement, licenses or permits shall be allowed to continue until their expiry, unless otherwise terminated for cause. Upon expiration of the thirty year ban, the commercial utilization forests may be allowed subject to rules and regulations prescribed by the Department.

SEC. 32. Exemptions. - Community-based forest management projects, industrial forest plantations, tree farms, agro-forestry farms and other forest plantations including

1 bacauan and other mangrove forest plantations, communal forests, ancestral lands and
2 domains with approved ancestral domain management plans, and research projects
3 approved by government agencies concerned shall not be covered by Section 31 of this
4 Act. Government projects and those of public utilities involving right-of-way, the
5 development of mineral reservations and energy resource and the like shall be allowed
6 subject to the issuance of an Environmental Compliance Certificate by the Secretary of
7 the Department.

8
9 **SEC. 33. *Displaced Workers.*** - Workers of existing commercial logging
10 operations, including wood processing plants, who will be displaced as a result of this
11 Act, shall be given priority in employment in government forestry programs including
12 those mentioned in Sec. 15 of this Act as well as other reforestation programs for a period
13 of four (4) years from the effectivity of this Act; *Provided*, That workers who are upland
14 dwellers displaced as a result of this Act shall likewise be given priority for employment
15 in said forestry and reforestation programs and in the allocation of forestlands for forest
16 development and livelihood.

17
18 **SEC. 34. *Assistance of Law Enforcement Agencies.*** - The Department shall
19 deputize law enforcement agencies and instrumentalities of the Government, including,
20 but not limited to, the Philippine National Police (PNP), the Armed Forces of the
21 Philippines (AFP) and the National Bureau of Investigation (NBI), for the enforcement of
22 the logging ban and for the conservation and protection of forests. The assistance of the
23 NGOs, cooperatives, citizen groups and community organizations shall also be utilized
24 for the same purpose. The Department of National Defense (DND), through the AFP, in
25 close coordination with the Department, shall create a special forest law enforcement unit

1 through a process jointly designed by the DND and the Department and composed of
2 members recruited from the major service commands of the AFP.

3 The special unit, jointly supervised by the DND and the DENR, shall provide
4 effective protection of the country's forestlands, including Protected Areas and areas
5 which shall have been reforested. It shall likewise assist the government's reforestation
6 program in a capacity to be designated by the Department, including other tasks
7 necessary for the effective implementation of this Act.

8 The Secretary of Justice shall permanently designate a special prosecutor in every
9 city and province to immediately file charges against forest violators and ensure their
10 speedy prosecution. He shall promulgate the necessary rules and regulations to expedite
11 the prosecution of offenses committed under this Act.

12
13 **SEC. 35. *Role of Local Residents.*** - Qualified local residents may be deputized
14 by the Department to assist in the protection of forests against illegal loggers, poachers,
15 *kaingeros* and land speculators. They shall likewise be given the authority to arrest forest
16 violators within their communities, subject to existing laws and regulations on arrest and
17 detention.

18
19 **SEC. 36. *Prevention of Forest Fires and Control of Forest Pests and Diseases.*** -
20 The Department, in collaboration with the concerned local government unit, shall
21 formulate and implement a program of fire prevention and control including incentives to
22 LGUs, private organizations or individuals who participate actively in fire prevention and
23 control to reduce damage to forest resources.

24 The Department shall formulate and implement an integrated pest and diseases
25 management program including quarantine procedures for imported seeds, animals,

1 plants and other forest products and plant parts to prevent and Control Forest pests and
2 diseases.

3
4 **SEC. 37. *Information and Reward System.*** - The Department shall establish an
5 information and rewards system as part of the community's participation in the protection
6 of forest resources. The rewards shall be immediately payable upon the establishment of
7 *prima facie* proof of violation. In cases where the information given leads to the seizure
8 of logs, timber, and other forest products, and results in a conviction, the informer shall
9 be entitled to twenty percent (20%) of the gross proceeds of the seized logs/timber/other
10 forest products disposed of through public bidding which shall be payable within three
11 (3) days after full payment by the winning bidder.

12 13 **CHAPTER VIII**

14 **FORESTRY RESEARCH, EDUCATION TRAINING AND EXTENSION**

15 **SEC. 38. *Research and Technology Development and Transfer.*** - Research and
16 technology development transfer shall be strengthened to support sustainable
17 management of forest resources. The Department, the Department of Science and
18 Technology and the Colleges of Forestry of State Universities shall within one (1) year
19 from the passage of this Act, prepare a research and technology development and transfer
20 agenda for sustainable forest management, which shall be implemented, monitored, and
21 reviewed in accordance with existing research management systems. *Provided, That*
22 adequate and sustainable funds for research and technology development and transfer
23 shall be provided under the General Appropriations Act.

24
25 **SEC. 39. *Forestry Extension Service.*** - Within one (1) year from effectivity of
26 this Act, Department shall formulate a program for development of an effective

1 forestry extension service and include funds and plantilla for the same in its annual
2 budget submission to Congress for inclusion in the General Appropriation Act. This
3 program shall be revised and updated as needed to ensure Department capability to
4 provide competent extension services to all sectors involved or intending to participate in
5 reforestation and other forest management activities on forestlands or privately-owned
6 lands.

7 The Department, through its forestry extension service, shall also develop a
8 program to encourage land owners, especially those with lands above 18% slope, to
9 forest their properties.

10
11 **SEC.40. *National Public Information, Education and Advocacy Campaign.* -**

12 The Department, the Philippine Information Agency (PIA), the Department of Education,
13 Culture and Sports (DECS), State Universities and Colleges, Private Universities and
14 ,:Colleges, with support from LGUs, NGOs, media and other organizations, shall
15 formulate and implement a sustained, nationwide, public information and advocacy
16 campaign for forest and natural resources conservation and sustainable development. The
17 DECS with the assistance of the Department and the College of Forestry departments of
18 State Universities and Colleges, shall formulate curricula for forest and natural resources
19 conservation, which the DECS will prescribe for inclusion in the curricula for elementary
20 and high school education. Congress shall allocate funds for the purpose of supporting a
21 systematic campaign to promote community ecological awareness throughout the
22 country.

23
24 **SEC. 41. *Formal Forestry Education.* -** The Commission on Higher Education
25 and Development (CHED) in collaboration with the Department, Board of Foresters of
26 the Professional Regulations Commission (PRC) and duly accredited Forestry

1 Professional organizations, shall actively pursue the rationalization of formal forestry
2 education to ensure high quality manpower output to meet the needs of the forestry
3 sector.

4
5 **SEC. 42. *Continuing Education in Forestry.*** - A non-formal program of
6 continuing education shall be established to maintain the growth of the forestry
7 professional. The Board of Foresters of the Professional Regulations Commission (PRC)
8 and the Civil Service Commission (CSC) shall provide the guidelines for a continuing
9 education program in forestry. The Department by itself or in cooperation with academic
10 institutions shall develop the infrastructures to institutionalize non-formal continuing
11 education for the forestry sector.

12
13 **SEC. 43. *Establishment of Training Center.*** - The Department shall establish
14 and institutionalize a network of training centers in strategic forest resources
15 management, development, and utilization to forest officers, LGUs, NGOs and local
16 communities including indigenous peoples. Furthermore, the Department shall ensure
17 that personnel appointed to critical and sensitive positions undergo training to prepare
18 them to discharge their duties and responsibilities professionally, efficiently and
19 effectively.

20
21 **SEC. 44. *Forestry Development Center.*** - The Forestry Development Center
22 (FDC) based in the College of Forestry, University of the Philippines at Los Baños,
23 established under Presidential Decree No. 1559, shall continue to serve as the primary
24 policy research and development center for forestry and natural resources management.
25 The Center shall perform its function in close coordination with the Department and other
26 policy research institutions in the country. The Center shall assist the Department in

1 the formulation, review and evaluation of proposed and existing policies on forestry and
2 natural resources management. As such, the FDC shall submit a quarterly written/formal
3 report to the Secretary on policy research and development, formulation, review and
4 evaluation of proposals and existing policies. To enable the Center to carry out its
5 mandated functions, the Department shall provide financial support to the Center based
6 on an approved program of activities, and which support shall not be less than five (5)
7 million pesos yearly and shall be incorporated in the annual appropriations of the
8 Department under the General Appropriations Act.

10 **CHAPTER IX**

11 **DISPOSITION AND UTILIZATION OF FOREST RESOURCES**

12 **SEC. 45. *Modes of Forest Management Agreement.*** – The development,
13 utilization and management of forest resources on forestlands shall be under the full
14 control and supervision of the Department. The State may directly undertake such
15 activities or it may enter into co-production, joint venture or production sharing
16 agreement with qualified Filipino citizens or corporations, subject to the relevant laws,
17 rules and regulations; *Provided,* That interested members of forest communities as
18 defined in Section 3 hereof, shall be given priority in the grant of said agreements;
19 *Provided, further,* That all applications must be acted upon within a period of six (6)
20 months. Failure to do so would be grounds for the filing of the appropriate administrative
21 or criminal charges against the officer tasked to carry out the said function. Such
22 agreements shall have a duration of twenty-five (25) years, renewable for another twenty-
23 five (25) years under such terms and conditions as may be provided by the Secretary;
24 *Provided,* That such agreements may not be terminated except for cause or when public
25 interest so requires.

1 Current holders of existing and valid licenses, contracts or agreements granted by
2 the government for the development, management and utilization of forest resources may
3 be allowed to continue under the same terms and conditions until expiry of such
4 license/contracts/agreements or the same may be converted into any other mode
5 authorized under this Act and consistent with guidelines promulgated by the Department;
6 *Provided*, That no such conversion will be allowed in protection forests as defined in
7 Section 8 of this Act. The Department is hereby authorized to formulate rules and
8 regulations covering the relevant terms and conditions thereof.

9
10 **SEC. 46. *Transfer.*** - No holder of a co-production, joint venture or production
11 sharing agreement or contract shall sub-contract, transfer, exchange, sell or convey the
12 same or any of his/her rights or interests therein without authority from the Secretary, and
13 any such change of rights/interests shall remain valid for the remaining unexpired term of
14 the original agreement, subject to compliance with the terms and conditions thereof.
15 *Provided*, That no transfer shall be authorized unless the agreement or contract has been
16 in existence and active for at least three years: *Provided, further*, That the transferor has
17 faithfully complied with the terms and conditions of the said agreement or contract; the
18 transferee has all the qualifications and none of the disqualifications to hold the same;
19 and the transferee shall assume all the obligations of the transferor.

20
21 **SEC. 47. *Non-Timber Forest Products.*** - Rattan, bamboos, vines, herbs, exudates
22 and other non-timber forest products are integral parts of the forest ecosystem. The
23 planting and sustainable management of non-timber producing species shall be
24 encouraged and supported. The development, management and utilization of non-timber
25 forest products shall be allowed in accordance with the guidelines to be promulgated by
26 DENR. However, in granting permits to harvest or utilize non-timber forest products in

1 the natural forests, priority shall be given to local communities or indigenous peoples
2 living nearest the subject forestlands.

3
4 **SEC. 48. *Grazing.*** - The Department shall identify areas in the production forest
5 land suitable for grazing purposes. However, no forestland fifty percent (50%) in slope or
6 over may be utilized for grazing purposes.

7 a. Identified grazing land shall be turned over to the Department of Agriculture
8 (DA) which shall be responsible for licensing utilization of the same through lease or
9 other appropriate arrangement by private investors, and shall furthermore be responsible
10 for supervising development and management of such lands for livestock production
11 purposes;

12 b. Within six (6) months from effectivity of this Act, the Department, in
13 collaboration with the DA shall formulate and promulgate guidelines for the utilization,
14 development and management of grazing lands including, but not limited to,
15 prescriptions for pasture improvement, soil and water conservation, reforestation of lands
16 over fifty percent slope and other relevant activities designed to ensure environmentally-
17 sound management;

18 c. Within one (1) year from effectivity of this Act, the DA in consultation with the
19 Department and revenue collection agencies of the government, shall formulate and
20 promulgate guidelines and criteria for establishing fees and charges covering utilization
21 of grazing lands, the amounts of which shall be commensurate with a fair value due to
22 government but not less than one hundred fifty pesos (P150.00) annually per hectare;

23 d. Existing pasture lease a agreement/forest land grazing lease agreements shall be
24 allowed to continue under the current terms and conditions for the unexpired term subject
25 to compliance guidelines promulgated pursuant to paragraph (b.) above;

1 e. The DA shall not issue any new permit, lease, or contract, nor such existing
2 agreements be allowed to continue on grazing lands if not covered by the EIS and an
3 ECC;

4 f. Within one (1) year from effectivity of this Act, the DA, in collaboration with
5 the Department shall conduct and complete a review of performance of existing pasture
6 lease/forestland grazing lease agreement/permits and cancel all such agreement/permits
7 which are inactive or not in compliance with terms and conditions set forth in such
8 agreements/permits; and

9 g. Forestlands that are the subject of cancellation shall be returned to the
10 Department for rehabilitation protection and conservation.

11
12 **SEC. 49. *Mining and Power Generation Operations in Forestlands.*** - Forest
13 resources inside mineral lands are under the Department's jurisdiction, and their
14 management and utilization are subject to the provisions of this Act. Power generation
15 and small scale mining operations in forestlands may be allowed only after the issuance
16 of an Environmental Compliance Certificate (ECC).

17
18 **SEC. 50. *Roads and other infrastructure.*** - Roads and other infrastructure inside
19 forestlands shall be constructed with the least impairment to the resource values found in
20 such forestlands. Government agencies undertaking the construction of roads, bridges,
21 communication and other infrastructure inside forestlands shall coordinate with and seek
22 prior authority from the Department.

23 Persons allowed to develop, explore or utilize forest resources as provided under
24 Section 50 of this Act, may be allowed to construct roads and other infrastructure inside
25 the forestlands in accordance with approved comprehensive management plans, and upon
26 compliance with EIA and ECC requirements and upon authorization by the

1 Department. All roads and infrastructure constructed by forest management agreement
2 holders and other permittees, licensees, lessees shall belong to the State, and their use and
3 administration shall be transferred to the government upon termination of the agreement.

4 5 **CHAPTER X**

6 **FOREST -BASED INDUSTRIES**

7 **SEC. 51. *Establishment and Operation of Forest-Based Industries.*** - It shall be
8 the policy of the State to assure the availability and sustainability of the country's forest
9 resources through judicious use and systematic restoration or replacement, increase the
10 productivity of forest resources to meet the demands for forest-based goods and services
11 of a growing population; enhance the contribution of forest resources for achieving
12 national economic and social development; and promote equitable access to forest
13 resources. The State shall promote the establishment, operation and development of
14 forest-based industries: *Provided*, That the Department shall regulate the establishment
15 and operation of processing plants or mills for forest products. To achieve this policy
16 statement, incentives shall be provided to forest-based industries.

17
18 **SEC. 52. *Incentives for Forest-Based Industries.*** - To enable forest-based
19 industries to be efficient, competitive and economically viable, the following incentives
20 shall be granted in addition to those already provided by existing laws:

21 a. All processing plants or mills shall be granted operating permits with a duration
22 of five (5) years and automatically renewable every five (5) years thereafter, subject to
23 compliance with the terms and conditions of such permits: *Provided*, That permits of
24 processing plants owned or operated by holders of forest management agreements or
25 contracts shall be co-terminus with the expiry of said agreements or contracts;

1 b. The Department shall provide incentives for the processing of lesser used and
2 non-wood species, and all logging and wood processing wastes;

3 c. The Department shall, within one (1) year from the effectivity of this Act,
4 submit to Congress, through the President of the Philippines, additional measures that
5 need to be legislated and that are designed to improve the competitiveness and viability
6 of forest-based industries;

7 d. The Department shall promote and strengthen the linkages between corporate and
8 community-based industries; and

9 e. The Department may provide other incentives to forest-based industries as may be
10 necessary.

11
12 **SEC. 53. *Export and Sale of Timber Products.*** - Finished and semi-finished
13 lumber products, wood manufactures and other finished wood products derived from
14 local and imported logs and planted species shall be allowed for export. However, logs
15 and unprocessed wood of naturally-grown species of whatever dimensions cut, gathered
16 or removed from natural forests in forestlands shall not be exported.

17 Exportation of logs, lumber and other finished products from plantations shall be allowed
18 pursuant to such guidelines that the Department may promulgate. Furthermore, no
19 restrictions, rules and regulations shall be imposed to prevent the export of timber and
20 other forest products derived from plantations established on privately owned lands.

21 No person shall sell or offer for sale any log, lumber, plywood or other
22 manufactured wood products in the international or domestic market unless he/she
23 complies with the grading rules and standards, or any act of falsification of the volume of
24 logs, lumber, or other forest products in the international or domestic market shall be
25 sufficient cause for cancellation of export license, wood processing permit, or other
26 license or permit authorizing the manufacture or sale of such products.

SEC. 54. *Importation of Logs and Other Forest and Wood Products.* - Logs, lumber and other forest and wood based products may be imported subject to the tariff schedules and/or rules and regulations promulgated by the government.

CHAPTER XI

FOREST CHARGES, FEES AND RENTALS

SEC. 55. Fees and Rentals for the Utilization, Exploitation, Occupation, Possession of and Activities Within Forestlands. – The Department shall prescribe appropriate fees and rentals for the different kinds of utilization, exploitation, occupation, possession of, or activities within forestlands. Likewise, fees shall be collected for the filing and processing of application thereof as well as the issuance and renewal of license, permits and agreements.

SEC. 56. *Forest Charges.* - Forest charges shall be collected on forest products in accordance with the provisions of Republic Act No. 7161. The Department shall develop guidelines for the assessment and collection of forest charges.

SEC. 57. Fees for Administrative Services Rendered by the Department. - Fees shall be collected for various administrative services rendered by personnel of the Department in connection with their duties and responsibilities as may be requested by interested parties, including but not limited, to surveying, mapping and other similar service activities.

1 **CHAPTER XII**

2 **APPROPRIATIONS AND FINANCING SUPPORT**

3 **SEC. 58. *Appropriations.*** - The amount necessary to carry out the provisions of
4 this Act shall be included in the General Appropriations Act of the year following its
5 enactment into law and thereafter.

6 **SEC. 59. *Funding.*** - In its budget preparation, the Department and the local
7 government units shall allot adequate funds to effectively implement (CBFM) targets and
8 shall ensure the inclusion of such budgetary allocations in the annual General
9 Appropriations Act.

10
11 **SEC. 60. *Sustainable Forestry Development Fund.*** - In order to provide
12 sustainable funds for forestry development and protection activities such as reforestation
13 and CBFM projects, a sustainable forestry development fund shall be created. At least
14 thirty percent (30%) of the forest charges and government share in all products removed
15 from the forestlands, rentals, proceeds from sales and confiscated forest products
16 including conveyances, fines and penalties and administrative charges shall be collected
17 and set aside for the buildup of sustainable forestry, development fund.

18 The Department, through the Forest Management Bureau (FMB), in coordination
19 with LGUs, NGOs, POs and government financial institutions shall create mechanism to
20 manage the Sustainable Forestry Development Fund.

21
22 **CHAPTER XIII**

23 **CRIMINAL OFFENSES AND PENALTIES**

24 **SEC. 61. *Harvesting, Gathering and/or Collecting Timber or Other Forest***
25 ***Products Without Authority.*** - Any person who shall harvest, cut, gather, collect or

1 remove timber or other forest products from any forestland, or timber from natural forest
2 inside alienable and disposable public land, without authority from the Secretary or who
3 shall possess timber or other forest products without the pertinent required legal
4 documents shall be punished by imprisonment ranging from *prison mayor* minimum
5 period to *reclusion temporal* minimum period and/or a fine equivalent to ten times the
6 value of the said forest products but not less than fifty thousand pesos (P50,000):
7 *Provided, that in case of partnership, associations or corporation, the president, managing*
8 *partner, and general manager shall be liable, and if such officers is an alien, he shall, in*
9 *addition to the penalty, be deported without further proceedings on the part of the Bureau*
10 *of Immigration and Deportation. Offenders who are public officials shall be deemed*
11 *automatically dismissed from office and permanently disqualified from holding any*
12 *elective or appointive position. All timber or any forest products cut, gathered, collected,*
13 *removed or possessed and all the conveyances, machinery, equipment, implement, work*
14 *animals and tools used in connection with this violation shall be seized and confiscated in*
15 *favor of the government.*

16
17 **SEC. 62. *Illegal Cutting as an Act of Economics Sabotage.*** - If any acts
18 enumerated in the preceding section have been committed by an armed group or
19 organized group through conspiracy, threat, fraud or deceit the gathering, collecting or
20 removing timber or other forest products from any forestland or alienable and disposable
21 public land without any authority from the Secretary, or possession of timber or other
22 forest products without the pertinent required legal documents shall be considered as an
23 act of economic sabotage and shall be punishable by *reclusion perpetua*.

24
25 **SEC. 63. *Use of Illegally Cut Timber in Government Infrastructure Projects.*** -
26 Contractors of government infrastructure are required to obtain certification from the

1 Department that the lumbers used were form legitimate sources. Use of illegally cut
2 timber in government infrastructure projects is prohibited and shall be sufficient cause for
3 withholding of the payment of the contractor. Further, the contractor may be subject to
4 the penalties provided under Section 72 hereof.

5
6 **SEC. 64. *Damage to Residual Trees.*** - To ensure the sustainability of the forest,
7 adequate number of residual trees shall be marked to form part of the managed forest and
8 as the future timber crop before any harvesting operations commence. Any marked
9 residual tree that is damaged is subject to a fine equivalent to four times the regular forest
10 charges.

11
12 **SEC. 65. *Grazing Livestock on Forestland Without a Permit.*** - Imprisonment for
13 not less than two (2) years nor more than four (4) years and a 17 fine equivalent to ten
14 times the regular rentals due in addition to confiscation of such livestock and all
15 improvement introduced in the area in favor of the government shall be imposed on any
16 person who shall, without authority under a lease or permit, graze or cause to graze
17 livestock in forestlands, grazing lands and alienable and disposable lands, which have not
18 yet been disposed of in accordance with the Public Land Act: *Provided*, that in case the
19 offender is a corporation, partnership, or association, the offer or director thereof who
20 directly caused such shall be liable. In case the offender is a public officer or employee,
21 he shall, in addition to the above penalties, be deemed automatically dismissed from
22 office and permanently disqualified from holding any elective or appointive position in
23 the government service.

24
25 **SEC. 66. *Unlawful Occupation or Destructive of Forestlands.*** – Any person
26 who enters, occupies or possesses or makes *kaingin* for his own private use or for

1 others, in any forestland, or grazing land without authority from the Secretary, or in any
2 manner destroys such forestland or part thereof, or causes any damage to the forests
3 found therein, or assists, aids or abets any other person to do so, or sets a fire, or
4 negligently permits a fire to be set in any forestland, be punished an amount of not less
5 than Twenty Thousand Pesos (P20,000.00) nor more than one hundred thousand pesos
6 (P100,000.00) and imprisonment of not less than two (2) years nor more than twelve (12)
7 years and a fine equivalent to eight times the regular forest charges due on the forest
8 products destroyed without prejudice to payment of the full costs of rehabilitation of the
9 occupied areas as determined by the Department: *Provided further*, That the maximum
10 penalty prescribed herein shall be imposed upon an offender who repeats the same
11 offense for the third time or oftener. In all cases, the court shall further order the eviction
12 of the offender from the land and the forfeiture to the government of all improvements
13 made and all vehicles, domestic animals and equipment of any kind used in the
14 commission of the offense. If not suitable for use by the Department, said vehicles,
15 domestic animals and equipment and improvements shall be sold at public auction, the
16 proceeds from which shall accrue to the Sustainable Forestry Development Fund. In case
17 the offender is a government officer or employee, he shall, in addition to the above
18 penalties, be deemed automatically dismissed from office and permanently disqualified
19 from holding any elective or appointive position in the government service.

20 If the offender is an alien, he shall be deported after service of sentence and
21 payment of fines without any further proceedings.

22
23 **SEC. 67. *Illegal Acts on Wildlife.*** - It shall be unlawful' for any person to collect,
24 catch possess, hunt, wound, kill, capture, or destroy the nest or eggs, host plants, trade,
25 display or keep in petshops, flowershops, orchidariums, nurseries, and the like, threatened

wildlife, its by-products or derivatives or destroy the habitats of wildlife, including those designated as critical habitats.

Any person violating this provisions shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years and a fine of One Million Pesos (P1,000,000.00) for species listed under Cites I ; Seven hundred fifty thousand pesos (P750,000.00) for species listed under CITES II; and Five hundred thousand pesos (P500,000.00) for threatened species.

A criminal action for violation of this provision shall not bar the institution of a civil action for damages which may proceed independently.

All wildlife and its derivatives or by-products, and all paraphernalia., tools and conveyances used in connection with violations of this provision shall be seized and confiscated in favor of the government.

In case the offender is a government officer or employee, he/she shall, in addition to the above penalties, be deemed automatically dismissed form office and permanently disqualified from holding any elective or appointive position in the government service. If the offender is an alien, he/she shall be deported after service of and payment of fines without any further proceedings.

SEC. 68. Misdeclaration, falsification of Forest Resource Inventory, Scaling, Surveys and Reports by Government Official or Employee. – Any public officer or employee who knowingly misdeclares or falsifies forest resource inventory, scaling, surveys and other similar reports which are contrary to the criteria and standards established in this Act or the rules and regulations promulgated hereunder shall, after an appropriate administrative proceedings, be dismissed from the service and permanently disqualified from employment in any agency of the government. Upon conviction by a court of competent jurisdiction, the same public officer or employee shall further suffer

1 an imprisonment of not less than eight (8) years nor more than twelve (12) years and a
2 fine of not less than Twenty thousand pesos (P20,000.00) nor more than One hundred
3 thousand pesos (100,000.00). Furthermore, the subject inventory, survey, classification or
4 report shall be null and void.

5 **SEC. 69. *Unlawful Operation of Processing Plants or Mills.*** Any person
6 operating a processing plant or mill without authority from the Secretary of his duly
7 authorized representative, shall be punished by a fine of not less than One hundred
8 thousand pesos (P100,000.00) and confiscation of the equipment and other paraphernalia
9 in favor of the government.

10
11 **SEC. 70. *Prohibition on Issuance of Tax Declaration of Forestlands.*** - Any
12 public officer or employee who shall issue a tax declaration for any purpose of forestland,
13 shall suffer imprisonment for a period of not less than four (4) years nor more than eight
14 (8) years and perpetual disqualification from holding an elective or appointive office;
15 *Provided, That such tax declaration shall be considered null and void.*

16
17 **SEC. 71. *Unlawful Possession of Implements and Devices Used by Forest***
18 ***Officers.*** - Unlawful possession of official implements and devices used by forest
19 officers, such as but not limited to marking hatchets, shall be penalized with
20 imprisonment of not less than four (4) years nor more than eight (8) years and a fine of
21 not less than Twenty thousand pesos (P20,000.00) nor more than One hundred thousand
22 pesos (P100,000.00). In addition, the said forest officer responsible for faithful
23 possession and use of such implement/device shall be dismissed from the service, with
24 prejudice to reinstatement and with perpetual disqualification from holding any elective
25 of appointive position.

1 **SEC. 72. Unauthorized Introduction of Logging Tools and Equipment Inside**
2 **Forestlands and National Parks.** - It shall be unlawful for any person or entity to
3 possess, bring or introduce inside forestlands any chainsaw, logging tools or equipment
4 other than bolos and simple hand tools without prior authority from the Secretary of his
5 duly authorized representative. Any person found guilty of illegal possession of said
6 chainsaw, logging tools or equipment shall be liable to imprisonment of twelve (12) years
7 and one (4) day to fourteen (14) years and eight (8) months or fixed not less than Fifty
8 thousand pesos (P50,000.00) nor more than One hundred thousand pesos (P100,000.00)
9 or both, and confiscation of said logging tools and equipment.

10
11 **SEC. 73. Non-payment and Non-Remittance of Forest Charges.** – Any person
12 who fails to pay the amount due and payable to the government shall not be allowed to
13 transport, convey, sell or use the forest product and failure to pay within thirty, (30) days
14 upon assessment of forest charges, shall be a ground for the confiscation of the said forest
15 product is favor of the government, pursuant to Section 60 of this Act. Any person who
16 fails or refuses to remit to the proper authorities said forest charges collectible pursuant to
17 the provisions of this Act or the National Internal Revenue Code, as amended, or who
18 delays, obstructs or prevent the same, or who orders, causes or effects the transfer or
19 diversions of the funds for purposes other than those specified in this Act for each such
20 offense shall, upon conviction, be imprisonment for not less than six (6) years nor more
21 than ten (10) years and be fined from twenty thousand pesos (P20,000.00) to one hundred
22 thousand pesos (P100,000.00). If the offender is a government official or employee,
23 he/she shall, in addition, be dismissed from service, permanently disqualified from
24 employment or reinstatement and perpetually disqualified from holding any elective or
25 appointive office. If the offender is a corporation, partnership or association, the officers
26 and directors thereof shall be liable.

1 **SEC. 74. *Institution of Criminal Actions by Forest Officers.*** - A forest officer
2 shall arrest even without warrant any person who has committed or is about to commit, or
3 is committing in his presence any of the offenses defined in this chapter. He/she shall also
4 seize and confiscate, in favor of the government, the tools, equipment and conveyances
5 used in committing the offense, and the forest products cut, gathered, taken or possessed
6 by the offender in the process of committing the offense. The arresting forest officer shall
7 thereafter deliver within six (6) hours from time of arrest or seizure, the offender and the
8 confiscated forest products, conveyances, tools and equipment, or the documents
9 pertaining to the same, and file the proper complaint with the appropriate official
10 designated by law to conduct preliminary investigation and file information in court. If
11 the arrest and seizure are made in the forest far from authorities designated by law to
12 conduct preliminary investigations, the delivery to and filing of the complaint with the
13 latter shall be done within a reasonable time sufficient for ordinary travel from the place
14 of arrest to the place of delivery. The seized products materials, conveyances, tools and
15 equipment shall be disposed of in accordance with the regulations promulgated by the
16 Department. The Secretary may deputize any agency, barangay or barrio official or any
17 qualified person to protect the forest and exercise the powers or authority provided for in
18 the preceding paragraph. In the case of reports and complaints regarding the commission
19 of any of the offenses defined in this chapter not committed in the presence of any forest
20 officer or any of the deputized officers but reported to a forest officer assigned in the area
21 where the offense was allegedly committed and the latter shall promptly receive the
22 evidence supporting the report or complaint and if such evidence is found sufficient file
23 the necessary complaint with the appropriate official authorized by law to conduct a
24 preliminary investigation of criminal cases and file an information in court.

SEC. 75. *Liability of Confiscating Officers.*- Any public officer who fails to produce the timber or forest products or any part thereof including tools, conveyances, equipment, machine and devices in his custody pursuant to a seizure or confiscation made thereon, or who shall appropriate, take, misappropriate, or permit any other person to take such timber or forest products wholly or partially, shall suffer the penalty provided for in Article 217 of the Revised Penal Code. In addition, the said public officer shall be dismissed from service permanently disqualified from employment or reinstatement and perpetually disqualified from holding any elective or appointive office.

CHAPTER XIV

ADMINISTRATIVE PROVISIONS

SEC. 76. *Strengthening of the Forest Management Bureau and the Forest Management Sector.* - In order to effectively implement the provisions of this Act, the Forest Management Bureau (FMB) shall be strengthened and shall have the following functions in addition to the functions enumerated under Executive Order No. 192: a) Coordinate and supervise the formulation and implementation of forestry policies, plans and programs; b) Lead in the monitoring and evaluation of these policies, plans and programs and the like; and c) Review and evaluate all applications for license, permits, joint-ventures, and management agreements for issuance and/or approval by the Secretary of the Department. To ensure that the scientific practice of forestry in the country is properly implemented, only registered foresters shall be appointed to the positions of Director and Assistant Director of the Bureau and Regional Technical Director of the Forestry Sector and all other forester positions, in accordance with existing Civil Service rules and regulations.

The Forest Management Bureau (FMB) shall be organized into a line agency. The Secretary, in consultation with the Civil Service Commission (CSC) and the

1 Department of Budget and Management (DBM), is hereby authorized to reorganize the
2 Bureau and the forestry sector at the field level and create additional positions as may be
3 necessary for community-based forest management, forest protection, and other programs
4 mandated under this Act, and to upgrade the salaries of foresters and other forest officers.

5
6 **SEC. 77. *Authority of the Secretary on the Utilization of Forest Resources.* -**

7 The utilization of forest resources from natural forests found in forestlands, alienable and
8 disposable lands not yet awarded to private individuals or entities, government-
9 established reservations, and all other forestlands including those under ancestral domain
10 claims and control or management of other government agencies, shall be prohibited
11 except through valid license, permit, or other agreement approved by the Secretary or
12 his/her duly authorized representative.

13
14 **SEC. 78. *Administrative Authority of the Secretary of his Duly Authorized***
15 ***Representative to Order Confiscation.* -** In all cases of violations of this Act or other
16 forest laws, rules and regulations, the Secretary or his duly authorized representative may
17 order the confiscation of forest products illegally harvested, cut gathered, removed or
18 possessed or abandoned, and all conveyances used either by land, water or air as well as
19 the machinery, conveyance, equipment, implement and tools used in the commission of
20 the offense and to dispose of the same in accordance with pertinent laws, regulations or
21 policies on the matter.

22 If the confiscated forest products are in danger of deteriorating, the Secretary may
23 order that the same be sold at public auctions even before the termination of the judicial
24 proceedings, in which case the proceeds shall be turned over and entrusted to the court
25 pending the outcome of such proceedings.

1 No courts of the Philippines shall have jurisdiction to issue any writ of *replevin*,
2 restraining order, or preliminary mandatory injunction in any case involving or growing
3 out of any action by the Secretary or his duly authorized representative in the exercise of
4 the foregoing administrative authority.

5
6 **SEC. 79. *Administrative Authority of the Secretary to Impose Fines.*** - In all
7 cases of violations, forest officers of other government officials or employees duly
8 authorized by the Secretary, shall have free entry into areas covered by a contract,
9 agreement, license, lease or permit. Forest officers are authorized to inspect and open
10 closed vans suspected to contain illegally harvested, collected or transported forest
11 products, provided this is done in the presence of the shipper or consignee or two (2)
12 responsible public officials in the locality. Forest Officers are authorized to administer
13 oath, take acknowledgement in official matters connected with the functions of their
14 office, take testimony in official investigations conducted under the authority of this Act
15 and the implementing rules and regulations issued pursuant thereof.

16
17 **SEC. 80. *Visitorial Powers.*** - The Secretary or his duly authorized representative
18 shall, from time to time, investigate, inspect and examine records, and other documents
19 except bank records related to the operation of any person granted the privilege or with a
20 contract to utilize forest resources to determine compliance with the terms and conditions
21 stipulated in the grant, the contract, this Act and pertinent laws, rules and regulations.

22
23 **SEC. 81. *Other Incentives.*** - Twenty percent (20%) of the value of confiscated
24 materials shall be paid as incentives to informants including members of Multi-Sectoral
25 Forest may also be donated to LGUs and other government agencies for building
26 government infrastructure, in recognition of their participation in forest protection

activities. Additional incentives may be provided by the Department, in addition to those provided under the Government Service Insurance System (GSIS) or Workmen's Compensation Law. They shall also be entitled to free legal assistance should legal cases be filed against them in the performance of official duties.

SEC. 82. *Protection for Witnesses to Violation/s of Forestry Laws.* - Witnesses to violations of this Act or other forestry laws and regulations, including the immediate family members of said witnesses, shall be given protection, security and benefits, subject to the provisions of Republic Act No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act" and its implementing rules and regulations.

SEC. 83. *Implementing Rules and Regulations.* - The Secretary, within one (1) year from effectivity of this Act, shall promulgate the rules and regulations necessary to effectively implement the provisions of this Act.

SEC. 84. *Separability Clause.* - Should any provision herein be declared unconstitutional, the same shall not effect the validity or the legality of the other provisions.

SEC. 85. *Repealing Clause.* - Subsections (b), (d), (f), (g), and (i) of Section 4 of Act No. 3915; Republic Act No. 460; Presidential Decree Nos. 705, 1153, 1515, 1559, 1775 and 1998; Letter of Instruction No. 818; Executive Order No. 277, and 278, series of 1987, and Executive Order NO. 725, series of 1981, are hereby repealed, and all laws, orders, rules and regulations or any part hereof which are inconsistent herewith are repealed or amended accordingly.

1 **SEC. 86. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in at least two (2) national newspapers of general
3 circulation.

Approved,