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REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'11 MAY 17 P3:23

SENATE
S.B. No. 2822

RECEIVED BY: 

Introduced by SENATOR MANNY VILLAR

EXPLANATORY NOTE

This policy measure is respectfully submitted with the intention of implementing Article II, Sec. 16, of the 1987 Philippine Constitution, "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Likewise, this bill seeks to protect, conserve, utilize, develop and sustainably manage forest resources in the country through the adoption of a sustainable forest management strategy.

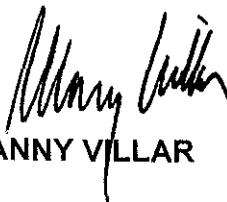
For years, Philippine laws had a nuanced treatment of forests as a resource for utilization and exploitation. Such an outdated concept needs total assessment. There is overwhelming evidence that forests maintain environmental systems that are essential for life. They influence weather by controlling rainfall and evaporation of water from soil. They help stabilize the world's climate by storing large amounts of carbon that would otherwise contribute to climate change. They provide us with clean water and air, helps minimize the impact of floods and prevent erosion and sedimentation.

Forests are home to indigenous cultural communities (ICCs) and indigenous peoples (IPs). The way of life of these ICCs/IPs is inextricably intertwined with the forest. Without the forest, they lose their cultural heritage.

Forests also host a variety of animal and plant species endemic to the country. In other words, forests are extremely valuable in themselves. Their continued existence, and not just their utilization and exploitation, should be emphasized.

With this paradigm shift, the reasons for hastening the passage of this bill become more apparent. It is no longer a simple matter of promoting land use practices that expand the forest resource base and promote food production activities. It is a race against time. Not acting fast enough could lead to lost opportunities in mitigating global warming and preventing the loss of lives and properties.

For this purpose, the immediate passage of this bill is earnestly requested.


MANNY VILLAR

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**AN ACT TO PROTECT, CONSERVE, UTILIZE, DEVELOP AND SUSTAINABLY
MANAGE FOREST RESOURCES AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1. Short Title.** This Act shall be known as the "Forest Resources Act of
2 2010".
3

4 **SECTION 2. Scope and Coverage.** The provisions of this Act shall apply to all lands
5 of the public domain classified as needed for forestry purposes, all forestlands, all forest
6 resources found in untitled agricultural lands and in private lands: *Provided*, That all forests
7 and forest resources found in protected areas established under the National Integrated
8 Protected Areas System (NIPAS) shall be sustainably managed and developed following
9 the provisions of Republic Act No. 7586 or the NIPAS Act of 1992: *Provided further*, That
10 the rights of indigenous cultural communities or indigenous peoples to their ancestral
11 domains shall be respected.
12

13 All forestlands and forest resources therein under the administrative jurisdiction of
14 the Autonomous Region of Muslim Mindanao (ARMM) shall be managed, developed and
15 conserved in accordance with the Regional Sustainable Forest Management Act of 2003 of
16 the ARMM.
17

18 **SECTION 3. Basic Policies.**
19

20 a. Pursuant to the provisions of the Constitution to promote the general welfare and
21 social justice in all phases of national development, to protect and advance the
22 right of the Filipino people to a balanced and healthful ecology in accord with the
23 rhythm and harmony of nature, and to conserve and develop the patrimony of the
24 nation, the State hereby adopts the following policies relative to the
25 management, development and conservation of forests and the resources
26 therein:
27

- 28 i. Within five (5) years from the passage of this Act, the specific limits of
29 forestlands shall be fixed and demarcated and thereafter, shall not be
30 altered except through an Act of Congress; The Congress shall, as
31 soon as possible, also determine, by law, the specific limits of
32 forestlands and national parks, marking clearly their boundaries on the
33 ground. Thereafter, such forestlands and national parks shall be
34 conserved and may not be increased nor diminished, except by law.
35 The Congress shall provide for such period as it may determine,
36 measures to prohibit logging in endangered forests and watershed
37 areas;
38

- 1 ii. The use and conservation of forest resources shall bear a social,
2 ecological, biological and economic functions, responsibility, and
3 accountability to promote the common good of the present and future
4 generations;
5
6 iii. The guiding principle in the sustainable and integrated management,
7 development, and conservation of forest resources shall be focusing
8 on these resources and on the people who manage, conserve, and
9 benefit from them;
10
11 iv. Biodiversity protection and conservation of wildlife resources and their
12 habitats, consistent with Republic Act No. 9147 shall be a paramount
13 consideration in forest management.
14
15 v. Genetically Engineered (GE) and transgenic trees pose the gravest of
16 dangers to forest ecosystems and violate the Convention on Biological
17 Diversity.
18
19
20 b. The state shall protect the rights of indigenous cultural communities/indigenous
21 peoples to their ancestral domains to ensure their economic and social and
22 cultural well-being and shall recognize the applicability of customary laws in
23 governing property rights or relations in determining the ownership and extent of
24 ancestral domains;
25
26 c. The State shall promote social justice in all phases of national development;
27
28 d. The State shall encourage non-governmental, community-based, or sectoral
29 organizations that promote the welfare of the nation;
30
31 e. The State shall ensure the autonomy of local governments; and,
32
33 f. The State shall pursue an independent foreign policy. In its relations with other
34 states, the paramount consideration shall be national sovereignty, territorial
35 integrity, national interest, and the right to self-determination.
36

37 In carrying out the above policies, the following strategies shall be pursued:
38

- 39 1. The watershed continuum as the basic forestland management unit-
40 Forestlands shall be managed, developed and conserved utilizing
41 watershed continuum as the basic management unit and under the
42 principles of sustainable and multiple-use management, including
43 conservation of biological diversity;
44
45 2. Multi-sectoral participation- The participation of all direct and indirect,
46 especially local, stakeholders in sustainable forestland conservation,
47 management, and development shall be mandatory. Equitable sharing of
48 the benefits derived from forestlands and the resources therein shall be
49 ensured at all times;
50
51 3. Community-based forest management (CBFM) as a principal strategy-
52 Vesting access rights and responsibilities to forest resident or forest-
53 dependent families, local communities, and indigenous peoples to
54 undertake the management and development of appropriate forestland
55 resources on a sustainable basis shall have precedence over other
56 strategies;
57
58 4. Protection of forests and natural resources as a priority concern- The
59 protection of forests and the natural resources therein shall be given

1 priority concern in order to ensure environmental stability, conserve
2 biological diversity, improve ecosystem functions and services, and
3 provide long-term ecological and economic benefits;

4
5 5. Reforestation as a priority measure- Reforestation shall be undertaken as
6 a priority measure to restore the ecosystem functions and services of
7 forests as well as improve the economic and ecological benefits of local
8 communities concerned;

9
10 6. Security of tenure of stakeholders- Pursuant to the principles of
11 sustainable and multi-use forest management and equitable access to
12 forest resources, a secured tenure shall be guaranteed to stakeholders
13 concerned; and

14
15 7. Professionalism in forest service – A dynamic, professional and people-
16 oriented forest service strongly adhering to conservation principles shall
17 be established and fully supported by the State.

18
19 **SECTION 4. *Definition of Terms.*** As used in this Act, the following terms shall be
20 defined as follows:

21
22 a. "Agroforestry" refers to a strategy for the sustainable management of land which
23 increases their overall productivity by properly combining agricultural crops
24 and/or livestock with forest crops simultaneously or sequentially through the
25 application of management practices which are compatible with the local climate,
26 topography, slope, soil, as well as the cultural patterns or customary laws of the
27 local communities;

28
29 b. "Agricultural lands" refers to Alienable and Disposable (A&D) lands of the public
30 domain which have been delimited, classified and declared as such, pursuant to
31 the provisions of Commonwealth Act No. 141, as amended, otherwise known as
32 the Public Land Act;

33
34 c. "Ancestral Domains" refers to all areas generally belonging to indigenous cultural
35 communities/indigenous peoples (ICCs/IPs) comprising lands, inland waters,
36 coastal areas, and natural resources therein, held under a claim of ownership,
37 occupied or possessed by ICCs/IPs, by themselves or through their ancestors,
38 communally or individually since time immemorial, continuously to the present
39 except when interrupted by war, force majeure or displacement by force, deceit,
40 stealth or as a consequence of government projects or any other voluntary
41 dealings entered into by government and private individuals/corporations, and
42 which are necessary to ensure their economic, social and cultural welfare. It shall
43 include ancestral lands, forests, pasture, residential, agricultural, and other lands
44 individually owned whether alienable and disposable or otherwise, hunting
45 grounds, burial grounds, worship areas, bodies of water, mineral and other
46 natural resources, and lands which may no longer be exclusively occupied by
47 ICCs/IPs but from which they traditionally had access to for their subsistence and
48 traditional activities, particularly the home ranges of ICCs/IPs who are still
49 nomadic and/or shifting cultivators;

50
51 d. "Ancestral Lands" refers to land occupied, possessed and utilized by individuals,
52 families and clans who are members of the ICCs/IPs since time immemorial, by
53 themselves or through their predecessors-in-interest, under claims of individual
54 or traditional group ownership, continuously, to the present except when
55 interrupted by war, force majeure or displacement by force, deceit, stealth, or as
56 a consequence of government projects and other voluntary dealings entered into
57 by government and private individuals/corporations, including, but not limited to,
58 residential lots, rice terraces or paddies, private forests, swidden farms and tree
59 lots;

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- e. "Assisted Natural Regeneration" or "ANR" covers any set of activities that enhance the natural processes of forest regeneration. These include promoting the natural establishment and subsequent growth of indigenous forest trees, whilst preventing any factors that might harm them, e.g. competition from weeds, browsing by cattle, fire etc. ANR relies on existing natural processes; it requires less labor input than tree planting and is therefore a very cheap way to restore forest ecosystems. ANR is appropriate wherever the natural processes of forest regeneration are, to some extent, already happening. At least few seed trees/mature seed-bearing rainforest trees should exist nearby to provide seed rain in the area. Seed-dispersing animals should remain common in the vicinity. Sites which already support a high density of tree saplings and sprouting tree stumps are particularly suited to ANR.
 - f. "Biological diversity or biodiversity" refers to the variability and variety among living organisms including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part. This includes diversity within the species (genetic diversity), between species (species diversity), and among ecosystems (ecosystem diversity);
 - g. "Climate change" refers to a change in climate that can be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity;
 - h. "Commercial logging" refers to the cutting or felling of trees for the purpose of disposing the cut or felled logs for monetary profits beyond survival and subsistence;
 - i. "Communal forest" refers to a tract of forestland set aside and established for and under the protection, administration, and management of a city, municipality, or barangay as a source of wood material for fuel, shelter, and manufactured products; as source of water for the community; and as an area for ecotourism and/or environmental protection or socio-economic projects of local government units consistent with the policies and objectives of this Act and principles of sustainable development;
 - j. "Community-Based Forest Management Strategy" refers to the strategy to improve the well-being of forest dependent communities, and at the same time ensure sustainable management, rehabilitation and protection of forestlands and the resources therein, through the active participation of various stakeholders;
 - k. "Conservation" refers to the planned protection and management of forests, wildlife and other forest resources so as to prevent waste and ensure future use;
 - l. "Conveyance" refers to any vehicle, vessel, device or animal used in gathering and/or transporting forest products;
 - m. "Co-management agreement" refers to an agreement entered into by the DENR and a local government unit/s to protect, restore, develop or manage forestlands, including mangroves and its forest resources, within the geographic jurisdiction of such local government unit/s consistent with the provisions of this Act;
 - n. "Co-production agreement" refers to an agreement entered into by and between a qualified person and the government, in accord with the 1987 Constitution, for the former to develop, utilize, and manage, consistent with the principles of sustainable development, land or a portion of a forestland wherein both parties agree to provide inputs and share the products or their equivalent cash value;

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- o. "Critical habitat" refers to a place or environment where species or subspecies naturally occur or has naturally established its population that are crucial to the survival of a species and essential for its conservation;
 - p. "Critical watershed" refers to areas designated by the Secretary pursuant to the Wildlife Resources Conservation and Protection Act and for their ability to supply water for domestic, agriculture and/or industrial use;
 - q. "Degraded forests" refers to forests with varying degrees of disturbance or loss of structure, function, species composition and productivity of less than 60% forest cover;
 - r. "Delimitation" refers to the establishment of permanent boundaries between forestlands, national parks/protected areas and agricultural lands as a result of demarcation;
 - s. "Delineation" refers to the establishment of boundaries between forestlands, national parks/protected areas and agricultural lands as a result of a conduct of site investigation, reconnaissance and field verification in accordance with the criteria set by the Department;
 - t. "Demarcation" refers to the establishment of boundaries using visible markers, monuments or known natural features/landmarks, among others, as result of the actual ground delineation;
 - u. "Denuded forestlands" refers to forestlands that are devoid of forest tree cover;
 - v. "Department" refers to the Department of Environment and Natural Resources (DENR);
 - w. "Environmental Impact Assessment" or "EIA" refers to the process of predicting the likely environmental consequences of implementing a project or undertaking and designing the appropriate preventive, mitigating, or enhancement measures;
 - x. "Environmental Compliance Certificate" or "ECC" refers to the document issued by the Department certifying that a proposed project or undertaking will not cause a significant negative impact on the environment; that the proponent has complied with all the requirements of the Environmental Impact Assessment System; and that the proponent is committed to implement its approved Environment Management Plan found in the Environmental Impact Statement (EIS) or mitigation measures identified in the Initial Environmental Examination (IEE);
 - y. "Environmental Impact Statement System" or "EIS System" refers to the organization, administration, and procedures that have been institutionalized pursuant to Presidential Decree No. 1586 for purposes of assessing the significance of the effects of any project or undertaking on the quality of the physical, biological, and social-economic environment and designing the appropriate mitigating and enhancement measures;
 - z. "Environmentally Critical Project" refers to project or program that has high potential for significant negative environmental impact;
 - aa. "Forest" refers to an ecosystem or an assemblage of ecosystems dominated by trees and other woody vegetation; a community of plants and animals interacting with one another and its physical environment. It shall consist of trees with overlapping crown of 60-100% forest cover;

- 1 bb. "Forest guard" refers to any public officer who by the nature of his appointment or
2 the functions of the position to which he is appointed is delegated by law and
3 regulations or commissioned by competent authorities to execute, implement or
4 enforce the provisions of this Act and other related laws and regulations;
5
- 6 cc. "Forest products" refers to goods and services derived from forest such as, but
7 not limited to, timber, lumber, veneer, plywood, fiberboard, pulpwood, bark, tree
8 top, resin, gums, wood oil, honey, bees wax, nipa, rattan, or other forest growth
9 such as grass, shrub and flowering plants, the associated water, fish, game, as
10 well as its scenic, historical, educational, social and ecological value;
11
- 12 dd. "Forest resources" refers to all resources, whether biomass such as plants and
13 animals including its by-products and derivatives, which can be a raw material, or
14 non-biomass such as soil, water, scenery, as well as the intangible services and
15 values present in forestlands or in other lands devoted for forest purposes;
16
- 17 ee. "Forest/Forest-Dependent Community" refers to a group of people residing inside
18 or immediately adjacent to a particular forestland who are largely or partly
19 dependent on the forest resources found therein for their livelihood;
20
- 21 ff. "Forestlands" refers to lands of the public domain classified as needed for forest
22 purposes. They shall include all forest reserves, forest reservations and all
23 remaining unclassified lands of the public domain;
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- 25 gg. "Genetic engineering" refers to genetic modification, or a special form of
26 biotechnology in which a section of DNA from one organism is introduced into
27 another, in which it does not naturally occur, in order to produce a genetically
28 modified organism (GMO) with favorable properties based on the new
29 combination of genes. The new genes in the transgenic organism may be from
30 an entirely different type of organism, or from a closely related lineage.
31
- 32 hh. "Genetically modified organisms" or "GMOs" refers to organisms in which the
33 genetic material has been altered in a way that does not occur naturally. GMOs
34 can be bacteria, fungi, viruses, plants or animals, with the exception of human
35 beings;
36
- 37 ii. "Grazing land" refers to a portion of the public domain which has been set aside,
38 in view of its topography and vegetation, for the raising of livestock;
39
- 40 jj. "Greenhouse gas" refers to any gas that absorbs infrared radiation in the
41 atmosphere. Greenhouse gases include water vapor, carbon dioxide (CO₂),
42 Methane (CH₄), nitrous oxide (N₂O), halogenated fluorocarbons (HCFCs), ozone
43 (O₃), perfluorinated carbons (PFCs) and hydrofluorocarbons (HFCs);
44
- 45 kk. "Indigenous Cultural Communities/Indigenous Peoples" or "ICCs/IPs" refers to a
46 group of people or homogenous societies identified by self-ascription and
47 ascription by others, who have continuously lived as organized community on
48 communally bounded and defined territory, and who have, under claims of
49 ownership since time immemorial, occupied, possessed and utilized such
50 territories, sharing common bonds of language, customs, traditions and other
51 distinctive cultural traits, or who have, through resistance to political, social and
52 cultural inroads of colonization, non-indigenous religions and cultures, became
53 historically differentiated from the majority of the Filipinos. ICCs/IPs shall likewise
54 include people who are regarded as indigenous on account of their descent from
55 the populations which inhabited the country, at the time of conquest or
56 colonization, or at the time of inroads of non-indigenous religions and cultures, or
57 the establishment of present state boundaries, who retain some or all of their
58 own social, economic, cultural and political institutions, but who may have been

1 displaced from their traditional domains or who may have resettled outside their
2 ancestral domains;

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4 ll. "Industrial Forest Management Agreement" or "IFMA" refers to a production-
5 sharing contract entered into by and between the Department and a qualified
6 person, whether natural or juridical, wherein the former grants to the latter the
7 exclusive right and responsibility to invest in, develop, manage, and protect a
8 defined area of the production forestland, including the establishment,
9 management and utilization of industrial timber forest plantation, consistent with
10 the principle of sustainable development, primarily to supply the raw material
11 requirements of wood-based processing and energy-related industries and
12 wherein both parties share in the benefits therefrom;

13
14 mm. "Industrial Tree Plantation" or "ITP" refers to any tract of land planted mainly
15 to timber producing species, including rubber and/or non-timber species primarily
16 to supply the raw material requirements of forest-based industries, energy-
17 generating plants, and related industries.;

18
19 nn. "Joint venture agreement" refers to an agreement where a joint-venture company
20 is organized by the State and another person for protection, restoration and
21 utilization, development and management of forestlands consistent with the
22 prescribed activities allowed under this Act, with both parties having equity
23 shares. Aside from earnings in equity, the State shall be entitled to a share in the
24 gross output;

25
26 oo. "*Kaingin*" refers to a portion of the forest land, whether occupied or not, which is
27 subjected to shifting and/or permanent slash-and-burn cultivation having little or
28 no provision to prevent soil erosion;

29
30 pp. "*Kaingin* making" refers to a process employed to establish a *kaingin*;

31
32 qq. "Key Biodiversity Areas" refers to places of international importance for the
33 conservation of biodiversity;

34
35 rr. "Master Plan for Forestry Development" refers to the twenty-five (25) year
36 strategic program of the Forestry Sector envisioned to guide its long term
37 development. This program includes: (a) policy and institutional development; (b)
38 restoration and rehabilitation c) watershed and forestry development; (d)
39 livelihood and poverty reduction; and (e) timber/non-timber industry development;

40
41 ss. "National Park" refers to the land of public domain classified as such in the 1987
42 Philippine Constitution which includes all areas under the National Integrated
43 Protected Areas System (NIPAS) pursuant to RA 7586, primarily set aside and
44 designated for the conservation of native plants and animals, their associated
45 habitats and cultural diversity;

46
47 tt. "Non-government organization" or "NGO" refers to a non-stock, non-profit, and
48 voluntary organization;

49
50 uu. "Non-timber based industries" refers to various industries that are dependent on
51 raw materials or products derived from forests such as, but not limited to, rattan,
52 bamboo, vines, latex, resins, saps, essences, fruits, flowers or wild flora and
53 fauna;

54
55 vv. "Non-timber charges" refers to the levy imposed and collected by government on
56 various industries that are dependent on raw materials or products derived from
57 forests such as, but are not limited to, rattan, bamboo, vines, latex, resins, saps,

1 essences, fruits, flowers or wild flora and fauna, as well ecological and aesthetic
2 services;
3

4 ww. "Non-timber forest products" refers to all products gathered from the forest
5 that are not timber, which include, but are not limited to, rattan, bamboo, vine,
6 herb, exudates, gum, resin, beeswax, gutapercha, and almaciga resin;
7

8 xx. "Permit" refers to a short-term privilege or authority granted by the State to a
9 person to utilize any limited forest resource or undertake a limited activity within
10 any forest land without any right of occupation, possession, and ownership
11 therein;
12

13 yy. "Person" refers to a natural or juridical person, including local forest communities
14 and/or indigenous peoples organized in accordance with law or custom;
15

16 zz. "Plantation forestry" refers to the planting of one or two species for the sole
17 purpose of harvesting;
18

19 aaa. "Primary forest" refers to forest which have never been subject to human
20 disturbance or has been so little affected by hunting, gathering and tree cutting
21 that its natural structure, function and dynamics have not undergone any
22 changes that exceed the elastic capacity of the ecosystem;
23

24 bbb. "Processing plant" or "Processing mill" refers to any mechanical set-up,
25 device, machine or combination of machines used for the conversion of logs and
26 other forest raw materials into lumber, fiberboard, pulp, paper or other finished
27 wood products;
28

29 ccc. "Production forestlands" refers to the forestlands defined under Sec. 8(b) of
30 this Act;
31

32 ddd. "Production sharing agreement" refers to an agreement wherein the State
33 grants a person/s, who provides all the necessary financing, technology,
34 management and personnel, the exclusive right to conduct forestry development
35 activities within but not title over, the contract area and shares in the production
36 whether in kind or in value as owner of forest product therein;
37

38 eee. "Protected Areas" refers to identified portions of land and water set aside by
39 reason of their unique physical and biological significance, managed to enhance
40 biological diversity and protected against destructive human exploitation. They
41 shall constitute the areas established under the National Integrated Protected
42 Areas System (NIPAS) pursuant to RA 7586 and shall fall under the National
43 Park classification of public domain;
44

45 fff. "Protection forestlands" refers to the forestlands defined under Sec. 8 (a) of this
46 Act;
47

48 ggg. "Reforestation" refers to all land use activities directed towards restoration,
49 establishment and sustained management using native species of diversified
50 vegetation on denuded, degraded and/or marginal lands, including but not limited
51 to the planting and tending of timber, orchard and multi-use trees;
52

- 1 hhh. "Reservation" refers to an area of the public domain reserved by law for a
2 specific purpose;
3
- 4 iii. "Restoration" refers to the bringing back of the forestland to its original state in
5 terms of species composition, structure, function and productivity;
6
- 7 jjj. "Restoration zones" refers to the area where restoration activities are conducted
8 and where the original vegetation shall be restored;
9
- 10 kkk. "Road" refers to bulldozed land which is accessible by at least a two-wheel
11 motorized vehicle;
12
- 13 lll. "Rotation" refers to the number of years between the initial establishment of a
14 plantation and the time when it is considered ready for harvesting;
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- 16 mmm. "Secondary forest" refers to a former forest that was logged over and is
17 characterized by residuals;
18
- 19 nnn. "Secretary" refers to the Secretary of the DENR;
20
- 21 ooo. "Semi-finished wood products" refers to wood products requiring final stages
22 of manufacture and/or assembly such as, but not limited to, window components,
23 table tops, veneer, tongue and groove planks, steps for stairs, and other similar
24 products;
25
- 26 ppp. "Silvicultural practices" refers to any action by man to further improve or
27 enhance the stand growth as a whole or the single tree for future harvest
28 including assisted natural regeneration and tree surgery, among others;
29
- 30 qqq. "Subdivision" refers to a tract or parcel of land partitioned into individual lots,
31 with or without improvements thereon, primarily for residential purposes;
32
- 33 rrr. "Sustainable development" refers to development that meets the needs of the
34 present without compromising the ability of the future generations to meet their
35 own needs;
36
- 37 sss. "Sustainable forest management" or "SFM" refers to the process of managing
38 a forest to achieve one or more clearly specified objectives of management with
39 regard to production of continuous flow of desired forest products and services
40 without undue reduction of its inherent values and future productivity and without
41 undesirable effects on the physical and social environment;
42
- 43 tt. "Tenure" refers to the guaranteed peaceful possession and use of specific forest
44 land area and specific resources found therein, covered by an agreement,
45 contract, or grant which cannot be altered or abrogated without due process;
46
- 47 uuu. "Timber-based industries" refers to industries that are dependent on wood as
48 the principal raw material including but not limited to sawmilling, pulp and paper

1 making, and plywood and veneer manufacturing or the upstream wood-based
2 industries, as well as the secondary and tertiary wood processing or downstream
3 industry such as moldings and furniture manufacturing;
4

5 vvv. "Timber charges" refers to the levy imposed and collected by the government
6 on timber products cut, harvested, or gathered from production forestlands and
7 from alienable and disposable (A&D) lands in accordance with Republic Act No.
8 7161;
9

10 www. "Timber License Agreement" or "TLA" refers to a privilege granted by the
11 State to a person to utilize forest resources within an area with the right of
12 possession and occupation thereof to the exclusion of others except the
13 government, but with the corresponding obligation to develop, protect, and
14 rehabilitate the same in accordance with the terms and conditions set forth in the
15 said agreement;
16

17 xxx. "Timber plantation" refers to a tree stand established by planting and/or
18 seeding. The stand is either of introduced species (all planted stands), or an
19 intensively managed stand of any indigenous species, which meets all the
20 following criteria: one or two species at plantation, even-aged class, and regular
21 spacing for the primary purpose of harvesting timber or any of its by-product;
22

23 yyy. "Transgenic" refers to a genetically modified organism (GMO) or genetically
24 engineered organism (GEO) whose genetic material has been altered using
25 genetic engineering techniques. It is the process of introducing an exogenous
26 gene into a living organism so that the organism will exhibit a new property and
27 transmit that property to its offspring;
28

29 zzz. "Watershed Continuum" refers to an area consisting of the watershed and its
30 divide including its connection from the headwaters to the reef;
31

32 aaaa. "Watershed Continuum Management" or "WCM" refers to a management
33 system that will provide the optimum social, cultural, economic and
34 environmental benefits to the greatest number of people, particularly those living
35 in, adjacent to, or downstream of, individual watershed areas, while maintaining
36 the biological and cultural heritage of the country. It is the holistic multiple use
37 and sustainable management of all the resources within a spatial unit known as
38 the watershed. The Watershed Continuum Management is based on the
39 following guiding principles: (1) Ecological sustainability; (2) Social and cultural
40 sustainability; (3) Economic sustainability; and (4) Institutional sustainability;
41

42 bbbb. "Watershed Reservation" refers to a forestland reservation established to
43 protect or improve the conditions of water yield thereof or reduce sedimentation;
44

45 cccc. "Wildlife" refers to wild forms and varieties of flora and fauna, in all
46 developmental stages; and
47

48 dddd. "Woodlots" refers to a track or plot of land planted with fast growing tree
49 species basically for fuelwood purposes. Woodlot is the major component in
50 Rotational Woodlot Agro-forestry Systems which aim to satisfy house and
51 regional fuelwood demand while reducing harvesting pressure on local forests.

1 Rotational Woodlot Agro-forestry Systems include the following components: (1)
2 Establishment, which includes tree and crop intercropping; (2) Fallow, which
3 pertains to build up of wood and soil fertility; and (3) Post-fallow, which pertains
4 to wood harvesting and sequential cropping.

5
6 **CHAPTER II**
7 **CLASSIFICATION OF PERMANENT FORESTLANDS**

8
9 **SECTION 5. *Permanent Forestlands.*** All forestlands currently classified as such.

10
11 **SECTION 6. *Instruments within Permanent Forestlands.*** Titles, settlements,
12 permits, lease, and/or agreements within critical habitats, critical watershed areas, protected
13 areas, important biodiversity areas (IBAs), and key biodiversity areas (KBAs), shall be
14 reviewed, and its legality be determined. All erroneous titles, settlements, permits, leases
15 and/or agreements or non-compliance to and in violation of provisions of agreements shall
16 duly be cancelled or revoked; *Provided*, That the applicable provisions of the Indigenous
17 Peoples Rights Act of 1997 (IPRA) shall be respected. The LGU, upon endorsement from
18 the Forest Management Board or *motu proprio*, shall recommend to the Secretary
19 revocation of these instruments. The Secretary, upon recommendation or *motu proprio*
20 revokes such instrument.

21
22
23 **SECTION 7. *Additional Areas to be Included as Permanent Forestlands*** The
24 following lands are needed for environmental protection and forestry purposes and shall not
25 therefore be classified as agricultural lands or for other land use:

- 26
27
28 a. Isolated patches of forest, regardless of size of area, with rocky terrain or which
29 protect a spring for communal use;
- 30
31 b. All mangroves and swamplands including twenty-meter wide strips thereof facing
32 oceans, lakes and other bodies of water not yet classified as alienable and
33 disposable lands;
- 34
35 c. Ridge tops and plateaus regardless of size found within or surrounded wholly or
36 partially by forestlands where headwaters emanate;
- 37
38 d. Twenty-meter wide strips of land from the edge of the normal high waterline of rivers
39 and streams with channels of at least five (5) meters wide which are not yet
40 classified as alienable and disposable;
- 41
42 e. Areas needed for other purposes of public interest such as research or experimental
43 purposes and others; and
- 44
45 f. Areas considered environmentally critical because of their vulnerability to damage
46 from landslides, volcanic eruptions, and other natural causes.

47
48 Owners who have acquired vested rights over lands enumerated above are required
49 to implement soil and water conservation measures, in coordination with the Department
50 and the appropriate local government unit. An Environmental Compliance Certificate (ECC)
51 shall be required in these environmentally critical areas in accordance with existing law:
52 *Provided*, That the Department, in coordination with the concerned local government unit,
53 shall immediately take the necessary steps to expropriate the property concerned, to
54 impose the necessary fines, penalties and costs of rehabilitation and implementation of the
55 required soil and water conservation measures, and to cancel and/or amend any title used
56 thereon or impose fines or will be subject to cancellation or revocation under any of the
57 following conditions:

- 58 a. Failure of the owner, after due notice, to implement appropriate soil and water
59 conservation;

- 1
2 b. Failure of the owner/s to comply with ECC requirements when required;
3
4 c. The issuance of titles over such areas was accomplished through fraud, deceit,
5 misrepresentations or other anomalies; or
6
7 d. When public interest so requires.
8

9 *Provided further*, That the concerned LGUs may recommend to the DENR to file
10 expropriation proceedings given the conditions enumerated in this provision.
11

12 **SECTION 8. Sub-Classification of the Permanent Forestlands.** The permanent
13 forestlands shall be sub-classified into the following categories according to primary use:
14

- 15 a. Protection forestlands shall consist of all natural and restored forests including areas
16 identified as key biodiversity areas, critical habitats, freshwater, swamps, and
17 marshes, all areas along the bank of rivers and streams, and the shores of the seas
18 and lakes throughout their entire length and within a zone of three (3) meters in
19 urban areas, twenty (20) meters in agricultural areas, and forty (40) meters in forest
20 areas, along their margins which are subject to the easement of public use in the
21 interest of recreation, navigation, floatage, fishing and salvage shall also be sub-
22 classified as protection forestlands. All extractive industries such as, but not limited
23 to, logging and mining are banned in these protection forestlands; *Provided*, That the
24 provisions of the IPRA shall be respected;
25
26 b. Production forestlands shall be all forestlands not sub-classified as protection
27 forestlands defined in this Section, and shall be devoted to the production of timber
28 and/or non-forest products or the establishment of industrial tree plantations, tree
29 farms, communal forests, agroforestry, grazing, or as multiple-use forests including
30 water-based energy areas such as but not limited to hydro and geothermal
31 reservations: *Provided*, That they shall be managed, developed, and utilized in
32 accordance with a LGU-approved management plan consistent with the prescribed
33 Forestry Master Plan and based on sustainable forest management principles:
34 *Provided further*, That the department may change the sub-classification of specific
35 areas of production forestlands into protection areas and recommend to Congress
36 their establishment as part of the integrated protected area systems in accordance
37 with the NIPAS Act, or as critical habitat under the Wildlife Resources Conservation
38 and Protection Act: *Provided finally*, That ancestral domains located within protection
39 and production forests shall be governed by customary laws;
40
41 c. Restoration areas are areas to be designated in the management plan as such.
42 Designation of a restoration area is compulsory in all forest management plans.
43
44

45 **SECTION 9. Demarcation and delimitation.** Upon approval of this Act, the
46 Congress shall provide funds for the Department to demarcate on the ground the actual
47 land classification lines: *Provided*, That the Secretary, upon completion of the actual
48 assessment of the demarcated land classification lines, shall recommend to Congress the
49 delimitation of the forestlands found to be still suitable and capable for its purpose, *Provided*
50 *further*, That the Department shall submit an annual accomplishment report and that within
51 five (5) years, has caused the complete demarcation and delimitation of land classification
52 lines.
53
54

55 **SECTION 10. Availability of records.** Records pertaining to the specific limits of
56 forestlands shall be made available to the public upon request. Moreover, the Department
57 shall furnish all provincial, municipal and city government copies of the maps of permanent
58 forestlands located within their respective territorial jurisdictions.
59

1
2 CHAPTER III
3 ADMINISTRATION AND MANAGEMENT OF FORESTLANDS AND ITS RESOURCES

4 **SECTION 11. *Jurisdiction and control of forestlands.*** The Department shall be
5 the primary agency responsible for the conservation, restoration and the sustainable
6 utilization of forestlands and the unclassified lands of the public domain. It shall formulate a
7 national forestry master plan and the policies promulgated in this Act. In coordination with
8 LGUs and other government agencies, it shall ensure that forestlands and unclassified
9 lands of the public domain are managed, conserved, developed, utilized and protected
10 consistent with the policies promulgated in this Act; *Provided*, that the management plan for
11 protected areas shall be prepared in accordance with the provisions of the NIPAS Act, the
12 Wildlife Resources Act, the Local Government Code, and the IPRA, and other relevant laws
13 and international covenants, as well as other pertinent laws; *Provided further*, That certain
14 functions and powers of the Department may be devolved to the local government units.
15

16
17 **SECTION 12. *Co-Management Agreement for the Devolution of Functions.*** The
18 Department, the Department of Interior and Local Government, and the concerned LGUs
19 shall execute a co-management agreement, which shall contain the program and schedule
20 by which functions shall be strategically devolved, providing for capacity-building and
21 empowerment mechanisms.
22

23
24 **SECTION 13. *Powers and Responsibilities of the LGUs.*** Pursuant to the pertinent
25 provisions of Republic Act. No. 7160 or the Local Government Code, LGUs shall share the
26 responsibility in the sustainable management and utilization of forest resources within their
27 territorial jurisdiction including those assigned by law to other government agencies. The
28 LGU and the Department shall jointly undertake the preparation and implementation of
29 forestland use and watershed continuum management plans, consistent with the Ancestral
30 Domain Sustainable Development and Protection Plan (ADSDPP) and in consultation with
31 other government agencies, local communities, non- government organizations and other
32 sectors. Partnerships with LGUs and local communities are highly encouraged. Such plans
33 shall be fully funded and made an integral component of the LGU"s Comprehensive Land
34 Use Plan (CLUP).
35

36 The devolved functions include, but are not limited to, the following:

- 37
38 a) Implementation of community-based forestry projects, e.g. Community-based Forest
39 Management Agreements;
40
41 b) Establishment of reforestation projects except in protected areas and critical
42 watersheds;
43
44 c) Completed family and contract reforestation projects;
45
46 d) Forest Land Management Agreements;
47
48 e) Community Forestry Projects;
49
50 f) Management and control of forests located in the LGU"s jurisdiction;
51
52 g) Management, protection, rehabilitation and maintenance of small watershed areas
53 which are sources of local water supply as identified or to be identified by the DENR;
54
55 h) Enforcement of forestry laws; and
56
57 i) Prevention of forest fires, integrated pest management and protection against forest
58 invasive species.
59

1
2 **SECTION 14. *Multisectoral participation.*** In formulating conservation and
3 management plans and programs, multisectoral participation shall be required.
4

5
6 **SECTION 15. *Local Government Unit Consent and Consultation.*** – Proponents
7 of all forestry projects to be implemented in the LGUs" territorial jurisdiction shall strictly
8 comply with Sections 26 and 27 of the Local Government Code.
9

10
11 **SECTION 16. *Forest Board.*** A forest board (Board) shall be created at the
12 Municipal level which shall be composed of a representative from the LGU and
13 representatives of different sectors including but not limited to, women, farmers, fisherfolks,
14 and indigenous peoples, shall set the policy direction for the management, utilization and
15 development of forestlands and resources found within their respective jurisdictions in
16 accordance with the watershed continuum plan.
17

18
19 **SECTION 17. *Functions of the Forest Board.*** The Board shall be responsible for
20 the over-all policy direction for the management of the forestlands and forest resources
21 found within their respective jurisdictions in accordance with the provisions of this Act. It
22 shall review and recommend implementation of programs and projects and perform
23 oversight functions on matters pertaining to environment and natural resources. It shall also
24 participate in the review and recommend relevant policies for the protection, conservation
25 and restoration efforts within the continuum and ensure the contribution of the forestry
26 sector to national economy, ecological sustainability and sustainable development closely
27 adhering to the principles and action plans set under Philippine Agenda 21 and its revised
28 versions. It shall moreover facilitate the initiation of the LGU"s participation in the devolution
29 program and shall monitor the transfer and implementation of devolved functions at the
30 LGU.
31

32
33 **SECTION 18. *Creation of a Municipal Environment and Natural Resources***
34 ***Office.*** A Municipal Environment and Natural Resources Office (MENRO) is hereby
35 created, including the position for the Municipal Environment and Natural Resources
36 Officer. The LGU shall ensure that funds are available for the operations and salaries of
37 personnel for this Office.
38

39
40 **SECTION 19. *Qualifications of a Municipal Environment and Natural Resources***
41 ***Officer.*** The Municipal Environment and Natural Resources Officer should have a
42 background in planning, natural and environmental science, and should be civil service
43 eligible.
44

45
46 **SECTION 20. *Functions of the MENRO.*** The MENRO shall facilitate the
47 preparation of management plans. It shall recommend to the Board relevant policies for the
48 protection, conservation and restoration efforts within the continuum. It shall evaluate
49 applications for forest management agreements; monitor the performance of holders of all
50 tenurial instruments issued by the LGU and Department. The MENRO may recommend to
51 DENR appropriate action with regard to the implementation of pertinent laws, rules and
52 regulations. The MENRO shall exercise visitorial powers over the forestlands.
53

54
55 **SECTION 21. *Forest Management Committee within a watershed continuum.*** A
56 forest management committee shall be created under the Municipal Development Council.
57 Municipalities/cities falling within the same watershed continuum shall form a forest
58 management committee within the Provincial Development Council. *Provided further,* That
59 provinces falling under the same watershed continuum will create a committee within the

1 Regional Development Council. These committees shall be responsible for the preparation
2 of the required overall management plans, in relation to the direction set by their respective
3 Forest Boards.
4
5

6 **SECTION 22. *Forestlands under Other Government Agencies.*** Forestlands
7 and/or portions thereof which have been assigned by law to the administration and
8 management of other government agencies for a specific purpose prior to the passage of
9 this Act shall remain under the administration and management of these government
10 agencies which shall be responsible for their conservation, protection, and restoration. The
11 Secretary and the concerned local chief executive or their respective duly authorized
12 representative shall exercise visitorial powers over these forestlands. Moreover, these
13 forestlands shall be administered in accordance with a forest management plan embodied
14 in the comprehensive forest management and land use plan of the LGU, which shall be
15 prepared by the concerned management committee of the watershed continuum level within
16 one (1) year from the effectivity of this Act. Said multisectoral body shall periodically review,
17 monitor, and evaluate the implementation of the said management plan. *Provided*, That the
18 harvesting of forest resources and building of roads and other infrastructure therein shall be
19 undertaken only with the prior approval of the LGU upon the endorsement of the local
20 forestry boards, and after compliance with EIS and ECC requirements: *Provided further*,
21 That the LGU shall endorse to the Secretary who shall recommend to Congress or the
22 President of the Philippines the reversion to the LGU of the jurisdiction and control over
23 forestlands that are no longer needed nor used for the purpose by which they have been
24 constituted or in case the agency concerned fails to rehabilitate, protect, and conserve the
25 forestland resources in accordance with the approved management plan. The LGU, in
26 coordination with its forestry board and consistent with the watershed continuum plan, shall
27 determine the use of the reverted forestlands.
28
29

30 **SECTION 23. *Forest Resources within Alienable and Disposable Lands.*** All
31 forest resources planted or raised within alienable and disposable lands belong to the
32 holder of the instrument giving rights to the claimant, who shall have the right to sell,
33 contract, convey or dispose of the same subject to a certification process to be developed
34 by the Department. The Department shall prepare the guidelines in coordination and
35 cooperation with LGUs and multisectoral consultations. Holders of said instruments who
36 register their forests lands for forestry purposes with the LGU shall be assisted in the
37 preparation of a management plan consistent with the watershed continuum management
38 plan, and shall be entitled to appropriate incentives provided under Section 44 herein, on
39 reforestation in private lands: *Provided*, That alienable and disposable lands devoted to the
40 planting and harvesting of forest resources shall remain subject to the provisions of
41 Republic Act No. 6657 or the Comprehensive Agrarian Reform Law or any other similar law
42 that may be enacted.
43
44

45 **SECTION 24. *Forest Resources within Production Forestlands.*** Resources,
46 including non-timber forest products, its by-products and its derivatives, whether naturally
47 growing, planted or raised, which have been taken or have been applied with some
48 silvicultural practices, within production forestlands shall be issued the appropriate permit,
49 agreement or clearance. Any declaration of forest resources as threatened shall be in
50 accordance with the Wildlife Act and other relevant laws.
51
52

53 **SECTION 25. *Logging in Production Forestlands.*** To ensure the conservation
54 and sustainable use of forest resources in production forestlands, holders of timber
55 licenses, permits and/or agreements shall submit to the LGU an Integrated Operations Plan
56 (IOP) containing strict environmental guidelines such as ECC compliance. All forest
57 development activities such as logging, reforestation, timber stand improvement, forest
58 protection, and delivery of community service within an area covered by timber concessions
59 shall be consolidated under the IOP, which shall be prepared by or under the supervision of

1 an accredited private registered forester whose signature and dry seal shall appear in the
2 plan and the supporting documents submitted for this purpose.
3
4

5 **SECTION 26. *Forest Resources within Protection Forestlands.*** Only non-timber
6 forest products shall be allowed to be extracted from protection forestlands and shall be
7 issued the appropriate permit, agreement or license, *Provided*, that harvesting or gathering
8 of timber for subsistence use of indigenous communities and forest communities shall be
9 allowed but only in woodlots established by the communities. Any declaration of forest
10 resources as threatene, and other restrictions shall be in accordance to the Wildlife Act.
11

12 **SECTION 27. *Absolutely Prohibited Activities in Protection Forestlands.***
13 Commercial logging, mining and other similar extractive activities such as but not limited to
14 treasure hunting shall be absolutely prohibited in protection forestlands.
15
16

17 **SECTION 28. *Review of Reservations within Protection Forestlands.*** All
18 reservations made within protection forestlands shall be reviewed. Reservations which are
19 contrary to the provisions of this Act, including, among others, mineral or settlement
20 reservations, shall be withdrawn.
21
22

23 **SECTION 29. *Commercial Logging Ban in Protection forestlands.*** There shall be
24 a permanent ban on commercial logging activities in all protection forests defined,
25 categorized, and sub-classified in Section 8(a) herein. No licenses, permits, or agreements
26 to cut any timber therein shall be issued.
27

28 **SECTION 30. *Protection Forestlands covered by Existing Permits, Licenses***
29 ***and/or Agreements.*** All existing permits, licenses and agreements shall be reviewed, and,
30 if protection forestlands are found within an agreement or licensed area, such protection
31 forestlands shall be immediately excised from said permit, license and/or agreement, and
32 the holder of the agreement or license shall establish a buffer zone and delineate their
33 boundaries with the production forestlands, marking the same with concrete monuments,
34 road, or infrastructure, or any other visible, permanent, and practicable signs.
35
36

37 **SECTION 31. *Duty of the License Permit-holder.*** In coordination with the
38 concerned LGU, the agreement- or license-holders shall protect and conserve such
39 protection area following a plan consistent with the prescribed management plan for key
40 biodiversity areas or similar strategies by the Department. The agreement- or license-holder
41 concerned shall be accountable for the destruction of such protection forestlands that did
42 not result from *force majeure*, and such destruction shall serve as basis, in addition to the
43 other violations enumerated in this Act hereof, for the termination or revocation of the
44 agreement, license, or permit, and the filing of proper charges under the NIPAS Act and
45 pertinent forestry laws, rules and regulations. In the absence of a contractor or agreement
46 holder over such production forestlands, the delineation of said boundary shall be
47 undertaken and prioritized by the Department.
48

49 **SECTION 32. *Non-Extension of Timber License Agreements.*** No extensions
50 shall be made on any existing TLA, and the area covered by the agreement shall
51 automatically be sub-classified as protection forestland after the representatives of the
52 Department, the LGUs concerned, the Department of Agrarian Reform, NGOs, peoples"
53 organizations, and other stakeholders had excluded degraded areas that may be subject of
54 a reforestation project.
55

56 **SECTION 33. *Forest Resources within Ancestral Domains/Ancestral Lands.***
57 When forest resources are within ancestral domains/ancestral lands which are otherwise
58 production or protection forestlands, aside from the necessary permit, license or agreement,
59 the genuine free, prior and informed consent of the indigenous communities shall also be

1 secured, *Provided*, That if the indigenous communities will themselves harvest these
2 resources for their subsistence or survival use, the provisions of IPRA shall apply and no
3 permits shall be required as owners of such resources, *Provided finally*, That, if the
4 indigenous peoples will themselves harvest such resources for commercial purposes, they
5 shall be subject to the same limitations and conditions as provided by this Act.
6

7 The National Commission on Indigenous Peoples (NCIP) shall coordinate and
8 consult the Department in providing assistance to the indigenous peoples in the sustainable
9 management and development of forest resources within ancestral lands and domains.
10

11 **SECTION 34. *Mandatory EIA.*** Any permit, license, agreement or any other
12 instrument to develop or use forestlands or resources therein, including those found within
13 ancestral domains/lands that would result in severe soil erosion or environmental
14 degradation shall be subject to the provisions of Environmental Impact Assessment (EIA) in
15 accordance with Presidential Decree No. 1151 or the Philippine Environmental Policy,
16 Presidential Decree No. 1586, Establishing an Environmental Impact Statement System,
17 and this Act.
18

19 **CHAPTER IV** 20 **FOREST MANAGEMENT PLANNING, MONITORING AND ASSESSMENT** 21

22 **SECTION 35. *Forestry Master Plan.*** The Department shall periodically prepare the
23 map, revisit or review the Forestry Master Plan in consultation with local stakeholders, and
24 shall revise the said plan according to the provisions of this bill, taking also into
25 consideration biodiversity conservation, carbon sequestration and other matters of the same
26 import. The Forestry Master Plan shall be presented to all LGUs, and other stakeholders
27 upon completion and shall be posted in conspicuous areas and made accessible to the
28 public.
29

30 **SECTION 36. *Sustainable Forest Management Planning.*** Subject to vested or
31 prior rights, the Department, in consultation and coordination with LGUs, other government
32 agencies, local communities, non-government organizations, individual and corporate
33 entities, private sectors, academic and research institutions, and other concerned sectors
34 shall, within one (1) year from the effectivity of this Act, develop and adopt a sustainable
35 forest management strategy for each well-defined watershed or other appropriate forest
36 management unit based on criteria, indicators, and standards for sustainable forest
37 management which, at their minimum, address the following requirements:
38

- 39 a. Rational allocation of forestland uses and promotion of land use practices that
40 increase productivity and conserve soil, water, and other forestland resources;
- 41 b. Protection of existing forest resources and conservation of biodiversity;
- 42 c. Restoration of denuded areas, making use of indigenous tree species for biodiversity
43 conservation in protection forests and buffer strips of water channels and bodies;
- 44 d. Establishment of tree plantations in production forest lands, private lands, and
45 alienable and disposable lands;
- 46 e. Enhancement of the socio-economic well-being of local communities including
47 indigenous peoples who are largely dependent on the forest for their livelihood;
- 48 f. Promotion of closer coordination between and among the Department, LGUs, other
49 national agencies, non-government organizations, local communities, the private
50 sector, academic and research institutions and other entities in the sustainable
51 management of forestlands;
- 52 g. Adoption of community-based forest management as a principal strategy in the
53 management of forestlands and resources; and,
54
55
56
57
58
59

- 1
2 h. Harmonization and integration of the forest management plan of forestlands and
3 resources with other plans, such as the forest management plan and the land use
4 plans of the LGUs, protected areas management plans in areas covered by the
5 same, critical habitat management plan, barangay development plan, CLUP of cities
6 and municipalities and physical framework plans of the provinces and the regional
7 development plans, and be consistent with the ancestral domain management plans
8 and protected area management plans areas covered.
9

10 The Department shall continue to adopt the Master Plan for Forestry Development
11 subject to periodic review every five (5) years.
12

13 **SECTION 37. Watershed Continuum Management Strategy.** The Watershed
14 Continuum Planning and Management Framework in Environment and Natural Resources
15 shall be adopted. The strategy for improved watershed resources management shall be
16 demand-driven, community-based, and multiple- and sustainable-use considering national
17 priorities and concerns of local stakeholders. Watershed continuum management programs
18 initiated by the government shall be guided by ecological, socio-cultural, economic, and
19 institutional sustainability principles. A National Watershed Information System shall be
20 developed to guide policy formulation, program development, and implementation of
21 watershed continuum management initiatives. The Department in consultation with the
22 LGUs shall identify the watershed continuum in the country and provide the maps for each.
23

24 **SECTION 38. Prioritization of watersheds.** A system of prioritization of watersheds
25 shall be pursued considering the following:
26

- 27 a. Biodiversity and environmental enhancement;
28
29 b. Cultural and historical value;
30
31 c. Water supply for domestic, irrigation, power, industrial, and commercial use;
32
33 d. Contribution to the economy; and
34
35 e. Effect on downstream areas.
36

37 **SECTION 39. Forest Resource Database and Monitoring System.** Areas
38 identified by the Department as forests as defined under this Act shall be verified and
39 validated by the Forest Development Center, including those within ancestral domains and
40 lands. A centralized forestland resource database shall be made available to the public at
41 all times, online if possible, which shall consist of comprehensive updated information on
42 the physical, social, economic, biological, environmental and cultural components of the
43 country's forestlands and shall include a log control monitoring or timber identification
44 system to enable the Department and its field offices to track the movement or transfer of
45 timber and other forest products from a forestland source to their end users. The
46 Department shall conduct and/or update forest resource inventory at least once every five
47 (5) years to ensure effective management.
48

49 **SECTION 40. Environmental Impact Assessment, Resource Accounting and**
50 **Valuation.** All new environmentally critical projects to be implemented in forestlands, such
51 as harvesting, grazing and other special uses, mineral prospecting and exploration, and
52 road, infrastructure, and mill construction, shall be subject to Environmental Impact
53 Assessment (EIA) in accordance with Presidential Decree No. 1151 or the Philippine
54 Environmental Policy, and Presidential Decree No. 1586, Establishing an Environmental
55 Impact Statement System. A scientific resource valuation of impacts of affected biophysical
56 and environmental elements, and an extended benefit cost analysis shall be used in the
57 EISS. The Department shall design and implement a system of regular periodic monitoring
58 and assessment using the Criteria and Indicators as framework and shall formulate
59 appropriate standards as basis for assessing progress towards sustainable forest

1 management. Furthermore, the Department shall design and implement an appropriate
2 natural resources accounting and valuation system for various forestry initiatives. The
3 Department shall establish the total value of forestlands based on multiple uses, including
4 their environmental services.

5
6 **CHAPTER V**
7 **REFORESTATION AND RESTORATION**
8

9 **SECTION 41. *Restoration in Protection Forestlands.*** The restoration of all critical
10 watersheds and critical, denuded, and degraded forests within protection areas shall be
11 prioritized. Only the use of indigenous or native species in the restoration and rehabilitation
12 of protection areas shall be adopted to enhance biological diversity therein. The LGUs in
13 coordination with the Department, other government agencies, NGOs, local residents and
14 communities, and other sectors concerned, shall identify and prioritize forestlands to be
15 reforested. The LGU, consistent with the watershed continuum plan and the corresponding
16 municipal forest land use plan may enter into agreements with qualified persons, including
17 forest community organizations, in the restoration of protection forestlands.

18
19 **SECTION 42. *Identification of Restoration Forestlands.*** LGUs, in cooperation
20 with the DENR and other government agencies, NGOs, local residents and communities
21 shall identify and prioritize forestlands to be restored, *Provided*, priority restoration shall be
22 a band of 200 meters from the boundary of protection areas and protected areas,
23 abandoned mines and abandoned and idle fishponds for mangrove restoration. For
24 mangrove forests, the LGU shall prepare a rehabilitation plan to restore mangroves in their
25 area. *Provided further*, That an accelerated restoration program in such identified priority
26 protection forestlands shall be undertaken to raise the forest cover therein at least fifty
27 percent (50%) of the prioritized area within five (5) years and eighty percent (80%) of the
28 area within ten (10) years from effectivity of this Act. The LGU shall allot funds to effectively
29 accomplish restoration either by its own or through permit, license and/or agreement in
30 protection forestlands. The Department or other agencies responsible for restoration shall
31 give priority to local communities in the granting of technical and financial assistance for
32 restoration activities, *Provided finally*, That assisted natural regeneration (ANR) shall be
33 encouraged in protection forestlands.

34
35 **SECTION 43. *Reforestation or Tree Plantation Development in Production***
36 ***Forestlands.*** In accordance with Section 50 herein, the LGU may enter into joint venture,
37 co-production, or production-sharing agreement with qualified persons to reforest or to
38 develop tree plantations in production forestlands, *Provided*, that palm plantations and the
39 like shall not be allowed in production forestlands.

40
41
42 **SECTION 44. *Reforestation in Forestlands under the Jurisdiction of Other***
43 ***Government Agencies.*** Government agencies and institutions having management control
44 over forestlands pursuant to a law or grant shall be responsible for the reforestation of
45 denuded and degraded portions of such forestlands. The reforestation program of these
46 agencies shall aim to increase the vegetation of the degraded areas using native species, to
47 be identified jointly by the Department and agency concerned and multisectoral
48 stakeholders. The concerned agency in coordination with the LGU shall prepare the
49 reforestation plan, consistent with the watershed continuum plan and determine the ratio of
50 forested areas at any given time. Failure to reforest denuded and/or degraded forestland
51 identified in the reforestation plan within the period herein prescribed shall be sufficient
52 ground to request for reversion of the said forestlands to the jurisdiction and control of the
53 LGU: *Provided, however*, That in areas where Community-based Forest Management
54 Strategy (CBFMS) shall be implemented or where there are existing facilities for basic
55 services such as water and power as allowed by the Department pursuant to the provisions
56 of this Act, the completion of the reforestation program shall be subject to the conditions
57 provided in the instrument to be awarded by the Department and the agency concerned to
58 the participating local community or individual or in the Forest Management Agreement of
59 contractors operating such facilities for basic services, as approved by the Department.

1 *Provided finally*, that whenever applicable, the use of ANR shall be preferred and
2 community-based forest management encouraged.
3
4

5 **SECTION 45. *Reforestation in Alienable and Disposable Lands and/or Private***
6 ***Lands.*** Reforestation or the establishment of tree farms or tree plantations in private lands
7 guided by the watershed continuum Plan shall be encouraged: *Provided*, That such private
8 lands and other alienable and disposable lands are not prime agricultural lands as
9 determined or certified by the Department of Agriculture (DA). The private landowner(s)
10 shall also be entitled to the incentives provided for under Section 44 herein: *Provided*, That
11 such private tree plantations are duly registered with the Department. Whenever applicable,
12 use of ANR shall be preferred and community-based forest management encouraged.
13
14

15 **SECTION 46. *Incentives of Reforestation or Restoration within Production***
16 ***Forestlands.*** To encourage qualified persons to engage in restoration or reforestation
17 activities, the following incentives shall be granted:
18

- 19 a. Upon the premature termination of the agreement at no fault of the holder, all
20 depreciable permanent and semi-permanent improvements such as roads, buildings,
21 and nurseries including the planted and standing trees and other forest crops
22 introduced and to be retained in the area shall be properly evaluated and the holder
23 shall be entitled to a fair compensation thereof, the amount of which shall be
24 mutually agreed upon by both the LGU and the agreement holder, and in case of
25 disagreement between them, by arbitration through a mutually acceptable and
26 impartial third party adjudicator;
27
- 28 b. The agreement holder has the right to transfer, contract, sell, or convey his rights to
29 any qualified person following the guidelines to be issued by the Secretary,
30 *Provided*, that if such restoration or reforestation were conducted within ancestral
31 domains/ancestral lands, the transferee shall secure the free, prior and informed
32 consent of the indigenous communities of such ancestral domains/ancestral lands
33 prior to such transfer; and,
34
- 35 c. In the event that the area restored has provided ecological services to the
36 community, user fees shall be allowed as incentives.
37

38 The Secretary may provide or recommend to the President or to Congress other
39 incentives in addition to those granted herein and in existing laws in order to promote
40 reforestation and the establishment of tree plantations, *Provided*, That in no case shall the
41 Secretary provide incentives that shall put the State at a gross disadvantage, nor shall the
42 Secretary provide incentives of non-payment of taxes or other rightful fees due to the State
43 as provided by other laws.
44

45 **SECTION 47. *Reforestation in Ancestral Domains/Ancestral Lands.***
46 Reforestation in ancestral domains/ancestral lands, if not undertaken by the ICCs/IPs
47 themselves, shall require the free, prior and informed consent of the ICCs/IPs.
48
49

50 **SECTION 48. *Reforestation in Protection Forestlands.*** The Department may
51 contract out the reforestation and/or management of protection forestlands to any person,
52 *Provided*, that such persons should meet the qualifications enumerated in Section 54. The
53 Department shall reasonably compensate such persons for such reforestation and/or
54 management activities and extend the necessary assistance in the reforestation and/or
55 management of such protection forestlands.
56

57 **SECTION 49. *Voluntary Offer to Reforest.*** Private landowners, whether natural or
58 juridical persons, may participate in reforestation and plantation development or similar
59 programs of the LGU or the Department, with the landowner contributing his land and the

1 LGU or Department furnishing funds to reforest the area on a co-production agreement:
2 Provided, That the property shall be exclusively devoted to the planting of forest species for
3 at least one (1) rotation, which undertaking shall be annotated at the back of the title of the
4 property: Provided, further, That prime agricultural lands as determined or certified by the
5 DA shall not be the subject of a voluntary offer to reforest.

6
7 **CHAPTER VI**
8 **COMMUNITY-BASED FOREST MANAGEMENT STRATEGY**
9

10 **SECTION 50. *Community-Based Forest Management Strategy (CBFMS).***

11 Whenever they are present, forest resident families, communities, indigenous peoples and
12 other communities whose lives, culture and general well-being are intimately linked with the
13 forests, shall be entrusted with the responsibility to protect, manage, develop and utilize
14 resources limited to woodlots and non-timber forest products (NTFP) under the principle of
15 stewardship. Timber harvesting shall only be allowed in production forestlands designated
16 in the Community Resource Management Plans (CRMP). The Department together with the
17 LGUs, and in consultation with affected stakeholders and sectors, shall develop policies,
18 criteria, guidelines and tenurial instruments that will simplify and allow access of forest
19 resident families, and local communities to forestland resources. The LGUs will review all
20 CBFMAs in their jurisdiction to assess performance and determine membership status of
21 the CBFMA-holder. The Department together with the LGUs, in consultation with affected
22 stakeholders and sectors, shall furthermore develop policies, and guidelines that promote
23 partnership between the private sector and forest-based communities in pursuit of
24 sustainable community forest management activities.

25
26
27 **SECTION 51. *Areas Available for CBFMS.*** Subject to prior or vested rights, the
28 CBFMS may be implemented on all appropriate forestlands excluding the ancestral
29 domains/ancestral lands of ICCs/IPs. Priority will be given to degraded and denuded
30 forestlands.

31
32 The LGU may only allow the implementation of CBFMS in watershed reservations if
33 it shall promote their protection and rehabilitation; *Provided*, however that land-use
34 practices and activities therein are in accordance with a management plan duly approved
35 by the Secretary and shall not induce severe soil erosion and surface run-off: *Provided*,
36 *further*, That no timber harvesting shall be allowed in forests; *Provided also*, That no CBFM
37 agreements shall be issued to non-ICCs/IPs within ancestral domains/ancestral lands,
38 *Provided finally*, CBFMAs shall not cover Certificate of Land Ownership Awards (CLOAs)
39 and other tenurial instruments.

40
41 **SECTION 52. *Community Resource Management in CBFM Areas.*** The
42 management of forestland resources in CBFM areas shall be embodied in a community
43 resource management plan, which shall contain the community's vision, aspirations, and
44 strategies in the management of forestland resources, which shall be consistent with the
45 forestland use plan (FLUP). Qualified communities shall be provided with appropriate long-
46 term security of tenure, technical, managerial and financial assistance, training; and other
47 assistance, as the case may be, to empower them to manage and benefit from the
48 forestland resources on a sustainable basis.

49
50 **SECTION 53. *Qualified Participants.*** Organized forest communities shall be given priority
51 to participate in the CBFM program. Organizations eligible to participate in CBFM shall have
52 the following qualifications:

- 53
54 a. Members shall be Filipino citizens; and
55
56 b. Members shall be any of the following:
57
58 i. Traditionally utilizing the resource for their livelihood;
59 ii. Actually residing within the area for at least five (5) years; and

1 iii. Residing adjacent and actually tilling portions of the area to be awarded.
2

3 **SECTION 54. Modes of Management Agreements.** The conservation, protection,
4 development, utilization, and management of forestlands and/or forest resources shall be
5 undertaken under the supervision of the State through the LGUs. The State may directly
6 undertake such activities or it may enter into co-production, joint venture or production
7 sharing agreement with qualified Filipino citizens or corporations or associations over the
8 management of production forestlands, subject to relevant laws, rules and regulations,
9 *Provided*, That interested local communities through their organized and duly recognized
10 associations shall be given priority in the grant of appropriate instruments implementing the
11 said agreements. Such instruments and/or agreements shall have a duration of twenty-five
12 (25) years, renewable for another twenty-five (25) years, under such terms and conditions
13 as may be provided by the Secretary, after observing the qualification of the succeeding
14 sections; *Provided further*, That management agreements shall not be issued in favor of any
15 person covering ancestral domains/ancestral lands without the free, prior and informed
16 consent of the concerned ICCs/IPs and the recognition and protection of ICCs/IPs rights
17 under pertinent laws;
18

19 Current valid and subsisting licenses, contracts, or agreements granted by the
20 government for the development, management, and utilization of forest resources within
21 protection forestlands shall be allowed to continue under the same terms and conditions
22 until their expiry; *Provided*, That no cutting or felling of trees shall be allowed within the said
23 protection forestlands, *Provided further*, That such agreements issued within ancestral
24 domains should have had the free, prior, and informed consent of the ICCs/IPs involved,
25 otherwise, such license, contracts or agreements shall be cancelled and revoked for
26 violating the rights of said ICCs/IPs.
27

28 All agreements entered into pursuant to this section shall be subject to the approval
29 of and monitoring by the LGU, *Provided further*, That all applications and approved
30 agreements shall be posted in public places.
31

32 **SECTION 55. Terms and Conditions of Agreements.** The Department, in
33 coordination with the LGUs, and, having undergone multi-stakeholder consultations shall
34 formulate rules and regulations covering the relevant terms and conditions thereof.
35

36 **SECTION 56. Minimum Conditions for the Issuance of Co-Production, Joint
37 Venture and Production Sharing Agreement.** The following provisions shall be the
38 minimum conditions for the issuance of co-production, joint venture and production sharing
39 agreement:
40

- 41 a. The holder is a Filipino citizen;
- 42 b. The agreement holder shall furnish the necessary management, technology and
43 financial services when required, as determined by the Secretary;
- 44 c. Provision/s for government share of revenues and the manner of payment thereof;
- 45 d. Provision/s on consultation and arbitration with respect to the interpretation of the
46 agreement;
- 47 e. Provision/s for anti-pollution and environmental protection measures;
- 48 f. Provision/s prescribing the preferential use of indigenous tree species for tree
49 plantations: *Provided*, that in case of protections forestlands, only indigenous tree
50 species shall be used;
- 51 g. Provision/s for an effective monitoring scheme to be implemented by the LGU,
52 which shall include, but shall not be limited to periodic inspection of all records
53 and books of account of the agreement holders;
- 54 h. Commitment to community development including capacity building of local
55 stakeholders;
- 56 i. The submission of a management and development plan to be approved by the
57 LGU; and
- 58 j. Other provisions that the LGU shall impose, upon the recommendation of the
59 Director of the FMB, that will improve and sustain the development and

1 management of the forestlands and its resources, which shall include, among
2 others, a projection of annual income and revenues generated, to be used as basis
3 in the determination of government shares.
4

5
6 **SECTION 57. *Transfer.*** No holder of a co-production, joint venture, or production
7 sharing agreement or contract shall sub-contract, transfer, exchange, sell or convey the
8 same or any of his right or interests therein without a written authority from the LGU.
9 Moreover, no transfer shall be authorized unless the agreement or contract has been in
10 existence and active for at least three consecutive years from issuance thereof: *Provided,*
11 That the transferor has faithfully complied with the terms and conditions of the said
12 agreement or contract; the transferee has all the qualifications and none of the
13 disqualifications to hold the same; and the transferee shall assume the obligations of the
14 transferor. Failure to comply with these conditions shall be sufficient cause for the
15 cancellation of the agreement or contract; *Provided further,* That if such agreement cover
16 ancestral domains/ancestral lands, the free, prior and informed consent of the ICCs/IPs
17 involved with regard to such transfer shall be secured, otherwise, said agreement shall be
18 cancelled.
19

20
21 **SECTION 58. *Non-Timber Forest Products.*** Rattan, bamboos, vines, herbs,
22 exudates and other non-timber forest products are integral parts of the forest ecosystem.
23 The planting and sustainable management of non-timber producing species shall be
24 encouraged and supported, *Provided,* That they are indigenous species. The development,
25 management and utilization of non-timber forest products shall be allowed in accordance
26 with the FLUP, and corresponding laws and regulations enforced by the LGU and
27 consistent with guidelines to be promulgated by the Department in compliance with national
28 and international policy or agreements.
29

30
31 **SECTION 59. *Priority to Harvest, Utilize, Gather or Collect NTFP.*** In granting
32 permits to harvest, utilize, gather or collect non-timber forest products, in their natural or
33 original state from forestlands, priority shall be given to forest resident families, local
34 communities, and indigenous peoples living nearest the subject forestlands; *Provided,* That
35 the wildlings collected from the forests shall be utilized for nursery establishments, research
36 and development and shall be subject to guidelines formulated in the establishment of
37 nurseries
38

39
40 **SECTION 60. *Silvicultural and Harvesting System.*** The Department shall
41 formulate the appropriate silvicultural and harvesting system and all measures shall be
42 taken to achieve an approximate balance between growth and harvest that is consistent
43 with the NBSAP. The use of forest products from production forestlands shall be promoted
44 and practiced.
45

46 **SECTION 61. *Mangrove forest.*** Cutting in mangrove forests shall be prohibited.
47 The Department shall formulate a program for the restoration of mangrove forests and shall
48 promote strategies that are consistent with biodiversity conservation or enhance
49 biodiversity.
50

51 **SECTION 62. *Grazing.*** Land for grazing purposes shall only be limited to production
52 forestlands. The Department shall identify and delimit areas suitable for grazing purposes:
53 *Provided,* That no forestland fifty percent (50%) in slope or over may be utilized for grazing
54 purposes: *Provided also,* That vegetation should be sufficient for livestock prior to the grant
55 of such permits, *Provided, further,* That existing pasture lease agreements or forestland
56 grazing lease agreements shall be allowed to continue under the same terms and
57 conditions until their expiry: *Provided also,* That burning of grass for the purpose of grazing
58 shall be prohibited; *Provided, finally,* That abandoned or idle, expired, or cancelled grazing
59 or pasture lands shall be subject to land use capability assessment and or land use

1 suitability assessment to determine their best use or combination of uses. No new grazing
2 or pasture permit, lease, or contract shall be issued, nor existing ones allowed to continue
3 unless covered by existing rules and regulations governing the Philippine EIS System and
4 subject to provisions in this Act.

5
6 Existing pasture lease agreements or forestland grazing lease agreements shall be
7 subject to review and monitoring by the LGU. Recommendations resulting from the review
8 shall be given primary basis for actions.

9 Applications for new pasture lease agreements or forestland grazing lease agreements
10 shall be reviewed and approved by the LGU and be covered by existing rules and
11 regulations governing the Philippine EIS System and subject to provisions of this Act.

12
13 **SECTION 63. Mining and Power Generation Operations in Forestlands.** Forest
14 resources inside mineral reservations and permitted areas and their management and
15 utilization are subject to the provisions of this Act. Power generation and small-scale mining
16 operations in forestlands, except in protection forestlands may be allowed only after the
17 issuance of an ECC and in compliance with other relevant laws. Mining and power
18 generation shall not be allowed in protection and restoration areas, *Provided*, That micro-
19 hydro or other renewable energy device may be allowed subject to the provisions of this
20 Act.

21
22
23 **SECTION 64. Roads and Other Infrastructures.** Roads and other infrastructure,
24 including the development of mineral reservations and energy resources inside forestlands,
25 shall be constructed with the least impairment to the resource values and with the least
26 impact and disturbance to biodiversity of the area found in such forestlands. Government
27 agencies and their contractors undertaking the construction of roads, bridges,
28 communication and other infrastructure facilities and installations inside forestlands shall
29 seek prior authority from the Department and shall comply with existing rules and
30 regulations governing the Philippine EIS System, *Provided*, That no roads or other
31 infrastructure shall be constructed in protection forestlands.

32 33 CHAPTER VIII 34 WOOD-BASED INDUSTRIES

35
36 **SECTION 65. Establishment and Operations of Timber-Based Industries.** The
37 State, through the Department, may promote the establishment, operation, and
38 development of timber-based industries only in production forestlands.

39
40 **SECTION 66. Incentives for Timber-Based Industries.** All agreements pertaining
41 to timber-based industries shall also be subject to review by the Department under
42 procedures to be formulated by the Department with mandatory consultation with
43 stakeholders. The following incentives are hereby granted in addition to those already
44 provided by law:

- 45
- 46 a. All processing plants or mills shall be assured of their supply of raw materials,
47 preferably but not exclusively from local sources;
 - 48 b. All processing plants or mills shall be granted operating permits for five (5) years
49 renewable for another five (5) years: *Provided*, That permits for processing plants
50 owned or operated by holders of timber plantation agreements or contracts shall be
51 co-terminus with said agreements or contracts.

52
53 Warranties to and agreements with existing integrated forest-based plants to ensure
54 the availability of raw materials shall be subject to the process for as long as such
55 integrated plants are operating. Agreements or licenses over production forestlands granted
56 to timber-based plants shall not be automatically converted into any mode authorized in this
57 Act. Holders of expired agreements may apply for a new permit, license or agreement
58 subject to the provisions of this Act. Permit holders are allowed a period of twenty-five (25)
59 years, renewable for another twenty-five (25) years, for a maximum of fifty (50) years.

1 Expansion in capacity of timber-based plants shall be encouraged and the same shall be
2 given priority access to production forestlands and other areas available for development as
3 source of raw materials.

4
5 **SECTION 67. *Export and Sale of Locally Produced Wood Products.*** No natural
6 grown trees shall be cut, gathered, harvested or removed from forests. Logs, lumber and
7 other finished products from tree plantations shall be exported only under such guidelines
8 as the Secretary may promulgate and certified as coming from the production forestlands by
9 LGUs. A certification process shall be formulated by the Department in consultation with key
10 stakeholders.

11
12 **SECTION 68. *Compliance of Grading Rules.*** No person shall sell or offer for sale
13 any log, lumber, veneer, plywood or other manufactured wood products in the international
14 or domestic market without complying with the grading rules established by the government.
15 Failure to adhere to the established grading rules and standards, or any act of falsification
16 on the volume of logs, lumber, veneer, plywood or other wood products sold in the
17 international or domestic market shall be sufficient cause for the cancellation of export
18 license, wood processing permit, or other license or permit authorizing the manufacture or
19 sale of such products.

20
21 **SECTION 69. *Importation and Sale of Logs and Other Forest and Wood***
22 ***Products.*** Logs, lumber, and other forest- and wood-based products may be imported to
23 the country subject to the authorization of the Secretary and to the tariff and duties under
24 Presidential Decree No. 1464 as well as quarantine regulations. Any product manufactured
25 or re-manufactured out of imported forest and wood materials shall be allowed to be sold in
26 the domestic or international market: *Provided*, That the grading rules and standards
27 therefore are complied with, otherwise the sanctions in Section 69 hereof shall be imposed.

28
29 **CHAPTER IX**
30 **CHARGES, FEES AND GOVERNMENT SHARE**

31
32 **SECTION 70. *Fees and Government Shares for the Utilization, Exploitation,***
33 ***Occupation, Possession of and Activities within Forestlands.*** The Department shall
34 prescribe appropriate government shares, including and rentals for the different kinds of
35 utilization, exploitation, occupation, possession, or activities within forestlands: *Provided*,
36 That payment of or collection of such fees and rentals shall be waived for parties/industries
37 mandated by law to manage, conserve, develop and protect forestlands and forest
38 resources found therein, except administrative fees for the filing and processing of
39 applications for the issuance and renewal of licenses, permits, and agreements: *Provided*,
40 *further*, That watershed administrators and/or service contractors that have forest
41 management agreements with the Department as provided for under Section 84 of this Act
42 shall also be entitled to the waiver of fees, except administrative fees.

43
44 The State shall collect government shares from income, rentals or other fees, as
45 owner of the resource and for its regulatory function. The guidelines to be formulated should
46 ensure equitable sharing between the national government and LGUs.
47 In order for the Department to prescribe appropriate and equitable fees for the use of water
48 and other forest resources by parties/industries concerned for power generation, domestic
49 and industrial irrigation, carbon sequestration and biodiversity benefits respectively, by
50 parties/industries concerned taking into consideration natural resource valuation in the
51 assignment of fees and ensuring equitable sharing of benefits between concerned national
52 government agency and LGU, the Department shall initiate the creation of an inter-agency
53 task force for this purpose.

54
55 **SECTION 71. *Timber Charges.*** There shall be collected charges on each cubic
56 meter of timber cut in forestlands, using direct and indirect values, whether belonging to the
57 first, second, third or fourth group, twenty-five percent (25%) of the actual freight of board
58 (FOB) market price based on species and grading: *Provided, however*, That, in the case of

1 pulpwood and matchwood cut in production forestland, forest charges on each cubic meter
2 shall be ten percent (10%) of the actual FOB market price.

3
4 **SECTION 72. Charges on Firewood, Branches and Other Recoverable Wood**
5 **Wastes of Timber.** There shall be collected timber charges of one percent (1%) of the
6 market price on each cubic meter of firewood cut in production forestlands, branches and
7 other recoverable wood wastes of timber, such as timber ends, tops and stumps, when
8 used as raw materials for the manufacture of finished products, *Provided*, That the cutting of
9 all mangrove species shall be prohibited, *Provided further*, That only third of fourth group
10 wood may be taken for firewood, *Provided finally*, That, if jointly authorized by the
11 Secretaries of both the Department and the DA, first and second group woods may be
12 removed from land which is more valuable for agriculture than for forest purposes, subject
13 to the charges in the preceding section.

14
15 **SECTION 73. Charges on Non-Timber Forest Products.** All other forest products
16 of forestlands which are not covered by the preceding section shall be exempted from any
17 or all forest charges, except rattans, gums resins, beeswax, guttapercha, almaciga, resin,
18 bamboo, vines, herbs, exudates and other species with commercial value, which shall be
19 charged at ten percent (10%) of the actual FOB market price.

20
21
22 **SECTION 74. Determination of Market Price of Timber and Non-timber**
23 **Products.** The actual FOB market price of timber products shall be justly determined once
24 a year by the Secretary: *Provided*, that the Secretary shall cause the creation of a
25 committee to be composed of representatives of the Department, the National Economic
26 and Development Authority, the Department of Trade and Industry, the Bureau of Internal
27 Revenue and the wood and furniture industry and consumers, LGUs, academe, NGOs and
28 other concerned sectoral representatives which shall formulate the criteria and/or guidelines
29 in the determination of the actual FOB market price taking into consideration direct and
30 indirect values to be used as the basis for the assessment of the *ad valorem* tax, taking into
31 consideration production cost (developing cost, contingencies, and miscellaneous cost),
32 species and grade of timber, government share, reforestation, tariff duties, taxes, risk
33 involved, and a reasonable margin of profit for domestic and export market prices for timber
34 and timber products.

35
36 Timber charges shall also be applied to naturally growing timber and timber products
37 gathered from alienable and disposable lands and private lands. Timber charges collected
38 shall be in lieu of the administrative charge on environment and other fees and charges
39 imposed thereon: *Provided*, That planted trees and other timber products harvested from
40 industrial timber plantations and private lands covered by existing tiller or by approved land
41 application are exempted from payment of timber charges.

42 The duties incident to the measuring of timber products and the invoicing and collection of
43 the
44 charges thereon shall be discharged by the LGU who shall likewise provide for the time,
45 manner, and place of payment of such charges under regulations of the Department.

46
47 **SECTION 75. Fees for Administrative Services Rendered by the Department.** Reasonable
48 fees shall be collected for various services rendered by personnel of the Department in
49 connection with their duties and responsibilities as may be requested by interested parties,
50 including but not limited, to surveying, mapping and other similar service activities:
51 *Provided*, That administrative fees shall be waived for services rendered to local
52 communities or indigenous peoples in the preparation of their management plans, *Provided*
53 *further*, That a percentage of the fees collected shall support the furtherance of formal
54 forestry education.

55
56
57 **SECTION 76. Forest Conservation and Development Fund (FCDF).** A Forest Conservation
58 and Development Fund (FCDF) to be administered by the LGU is hereby established to
59 provide sustainable funds for forest protection, restoration and management, including the

1 operations of the municipal forest management boards, rehabilitation and preservation of
2 watershed areas, CBFM program, information and educational campaign as well as
3 scholarship programs, policy research and development. At least seventy percent (70%) of
4 the forest charges and government share in all products removed from the forestlands,
5 rentals, proceeds from sales of confiscated forest products including conveyances, fines
6 and penalties, and administrative fees collected shall be set aside for the buildup of the
7 FCDF. The fund may be augmented by grants, donations, endowment from various
8 sources, domestic or foreign for purposes related to their functions: *Provided*, That fees
9 collected by the LGU consistent with the management plans formulated shall directly accrue
10 to the said LGU's account: *Provided, further*, that a portion of the fees collected shall also
11 go to the host communities, which protect and maintain these watersheds, from which the
12 headwaters emanate.

13
14 Disbursements from the fund shall be subject to the usual accounting and budgeting rules
15 and regulations: *Provided*, That no amount shall be disbursed to cover the operating
16 expenses of the Department and other concerned agencies. The forest management board
17 will recommend to the Municipal Council the thrusts for fund allocation.

18
19 SECTION 77. *Fees from Payment for Environmental Services (PES)*. The ERDB shall
20 formulate a certain value to environmental services, taking into account the positive and
21 negative spillovers of the use of such resources or externalities, and establish appropriate
22 pricing, institutional and redistribution systems that will lead to sustainable and socially
23 optimal land use practices. PES is a form of payment for ecosystem services as a method
24 of internalizing the positive and negative externalities associated with a given ecosystem or
25 a specific resource use.

26
27 CHAPTER X
28 TREE PARKS

29
30 SECTION 78. *Establishment of Tree Parks in Subdivision and Tree Planting on Roadsides*.
31 Every subdivision project to be developed after the passage of this Act shall

32
33
34 include the establishment of a tree park of not less than fifty percent (50%) of the required
35 total open spaces as provided in Section 2 of Presidential Decree No. 953, requiring the
36 planting of trees in certain places. Guidelines for the establishment of tree parks within a
37 subdivision shall be prepared jointly by the subdivision owner concerned, the Housing and
38 Land Use Regulatory Board (HLURB) and the Department. The subdivision owner shall
39 provide the funds for this purpose. These guidelines and allocation of funds shall be a
40 condition precedent in the approval of the subdivision plan.

41
42 For every major public road or irrigation construction project, the Department of Public
43 Works and Highways (DPWH) shall include the planting and maintenance of appropriate
44 trees along the road/highway or irrigation canals as landscaped areas every twenty-five (25)
45 kilometers thereof, whenever appropriate, and shall provide adequate funds for this
46 purpose. Each city and municipality shall also allocate adequate funds for the planting, care
47 and maintenance of trees or perennial shrubs in „greenbelts“ or „green spaces“ such as
48 road/street sides, center islands, among others.

49 CHAPTER XI
50 PROTECTION

51
52 SECTION 79. *Assistance of Law Enforcement Agencies*. The LGUs and the Department
53 may call upon law enforcement agencies and instrumentalities of the Government such as
54 the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), and the
55 National Bureau of Investigation (NBI) for the enforcement of the forest-related laws, rules
56 and regulations.

1 SECTION 80. *Role of Local Residents.* It shall be incumbent upon LGUs concerned to
2 render assistance in protecting and conserving forestlands within their respective territorial
3 jurisdiction. Qualified local residents may be deputized by the LGUs to assist in the drive
4 against illegal logging, *kaingin*-making and forestland occupation. These deputized
5 residents shall likewise be authorized to arrest forest violators within their communities
6 subject to existing laws and regulations on arrest and detention. The LGUs shall provide
7 assistance to these deputized residents in cases instances of citizens' arrests.
8

9
10 SECTION 81. *Prevention of Forest Fires.* The concerned LGUs, in cooperation with the
11 Bureau of Fire Protection (BFP) and the Department, shall formulate and implement a fire
12 prevention and control program.
13

14
15 SECTION 82. *Control of Forest Pests and Diseases.* The Department shall likewise
16 formulate and implement a national integrated forest pest and disease management
17 program including quarantine procedures for imported forest seeds and forest products to
18 prevent, minimize or control forest pests and diseases in the reforestation strategies.
19

20
21 SECTION 83. *Prohibition on Genetically Engineered and Transgenic Trees.* Planting/
22

23
24 introduction and/or use of genetically engineered (GE) and transgenic trees are prohibited
25 in all forestlands.
26

27
28 SECTION 84. *Information and Rewards System.* The LGU shall establish an information
29 and rewards system as part of the community's participation in the protection of forest
30 resources. The rewards shall be payable immediately upon the establishment of *prima facie*
31 proof of violation. When an information given leads to the seizure of logs or timber and other
32 forest product and results in a conviction, the informer shall also be entitled to twenty
33 percent (20%) of the gross value of the recovered or seized forest resource. The
34 implementation of the rewards system shall be in collaboration with the Department, the
35 Forest Management Board and the Philippine National Police.
36

37 CHAPTER XII
38 RESEARCH, EDUCATION, TRAINING AND EXTENSION
39

40 SECTION 85. *Research and Technology Development Transfer.* Research and technology
41 development transfer shall be strengthened to support sustainable management of forest
42 resources. The Department, the Department of Science and Technology (DOST), the
43 Commission on Higher Education (CHED), and the State Universities and colleges shall,
44 within one (1) year from the passage of this Act, prepare a comprehensive sustainable
45 national forestry and environmental research and technology development and transfer
46 program in furtherance of sustainable forest management which shall be implemented,
47 monitored, and reviewed in accordance with existing research management systems.
48 Adequate and sustainable funds to implement research and technology development plans
49 and transfer program shall be provided by each of the aforementioned agencies and
50 institutions under the General Appropriations Act.
51

52 Appropriate funds shall be allotted for research and development.
53

54 SECTION 86. *Public Information, Education and Advocacy Campaign.* With the support
55 from LGUs, NGOs, media and other organizations, the Department, the Philippine
56 Information Agency (PIA), the Department of Education (DepEd), CHED, State-owned and
57 private universities and colleges shall formulate and implement a nationwide program for
58 sustained public information and advocacy campaign for forest and natural resources
59 conservation and sustainable forest development and management. The DepEd shall

1 include subjects on environment, forest and natural resources in the curricula for
2 elementary and high school education. The CHED shall likewise include mandatory ecology
3 and environment courses in the general education curricula. Congress shall allocate funds
4 to the Department for the purpose of coordinating a systematic campaign to promote
5 community ecological awareness, including the preparation of informational and educational
6 materials therefore. A percentage of appropriations specified in Section 122 shall be set
7 aside for this purpose.
8
9

10 SECTION 87. *Formal Forestry, Agroforestry and environmental Education.*- The
11
12

13 CHED, in collaboration with the Department, the Board of Examiners for Foresters of the
14 Professional Regulations Commission (PRC), Philippines Forestry Education Network,
15 Philippine Agroforestry /education and Research Network, Environmental Education
16 Network of the Philippines and the duly accredited national professional foresters
17 organization shall actively pursue the rationalization of formal forestry education by
18 assigning higher weights on non-timber extraction subjects. The licensure exam shall
19 require minimum units on forest restoration related subject and the establishment of centers
20 of excellence in forestry and environmental education to ensure high quality manpower
21 output to meet the needs of the forestry sector and the country as a whole. The following
22 areas shall be strengthened:
23

- 24 a. Sustainable forest management;
- 25
- 26 b. Natural resource management;
- 27
- 28 c. Biodiversity conservation;
- 29
- 30 d. Wildlife conservation;
- 31
- 32 e. Wildlife management;
- 33
- 34 f. Entrepreneurship on non-timber forest resources;
- 35
- 36 g. Environmental laws;
- 37
- 38 h. Forest restoration technology;
- 39
- 40 i. Environmental science; and
- 41
- 42 j. Community development.
- 43
- 44

45 SECTION 88. *Continuing Education on Forestry.* A non-formal program of continuing
46 education shall be established to maintain the growth of the forestry profession. The PRC
47 Board of Examiners for Foresters and the Civil Service Commission (CSC) shall provide the
48 guidelines for a program in continuing education in forestry. In cooperation with academic
49 institutions, the Department shall develop the infrastructures to institutionalize non-formal
50 continuing education for the forestry sector.
51
52

53 SECTION 89. *Training Centers.* In coordination with TESDA, DepEd, CHED and State
54 Universities and Colleges (SUCs) and other relevant institutions, stakeholders and local
55 communities, the Department shall establish and institutionalize a network of training
56 centers in strategic parts of the country to provide regular and up-to-date training on the
57 various aspects of sustainable forest management and restoration to forest guards, LGUs,
58 NGOs, local communities, and indigenous peoples. Furthermore, the Department shall
59 ensure that personnel appointed to critical and sensitive positions undergo training to

1 prepare them to discharge their duties and responsibilities professionally, efficiently and
2 effectively.
3
4

5 SECTION 90. *Policy Research and Development Network.* The Department, through the
6 Ecosystem Research and Development Bureau (ERDB), and in collaboration with the SUCs
7 and private university and institutions, shall form part of a network to serve as the primary
8 policy research and development center for forestry and natural resources management.
9 The Network shall perform its functions in close coordination with the Department and other
10 policy research institutions in the country. It shall assist the Department in the formulation,
11 review, and evaluation of proposed and existing policies on forestry and natural resources
12 management.
13

14 CHAPTER XIII 15 OFFENSES AND PENALTIES

16

17 SECTION 91. *Non-Establishment of Tree Parks/Communal Forests.* Any city, municipality
18 or subdivision owner who fails to establish tree parks as provided in Sections 76 herein
19 shall be punished by a fine of not less than One Hundred Thousand Pesos (P100,000.00)
20 nor more than Five Hundred Thousand Pesos (P500,000.00). The subdivision plan will not
21 be given approval until guidelines have been formulated and funds have been allocated for
22 the purpose.
23
24

25 SECTION 92. *Harvesting, Gathering and/or Collecting Timber or Other Forest Products*
26 *without Authority.* Any person who shall harvest, cut, gather, collect, or remove timber or
27 other forest products from any forestland, or timber from all forestlands, whether protection
28 or production forestlands, or inside alienable and disposable public land and private lands
29 except as provided, or forest resources in alienable and disposable lands without authority
30 from the Secretary or found to possess the same without pertinent required legal
31 documents shall be punished by imprisonment ranging from *prision mayor* minimum period
32 to *reclusion temporal* minimum period and/or a fine equivalent to ten (10) times the value of
33 the said forest product but not less than Fifty Thousand Pesos (50,000.00): *Provided,* That
34 in the case of partnerships, associations or corporations, the president, managing partner,
35 and general manager shall be held liable, and if such officer is an alien, he shall, in addition
36 to the penalty, be deported without further proceedings on the part of the Bureau of
37 Immigration and Deportation. Offenders who are public officials shall be deemed
38 automatically dismissed from office and permanently disqualified from holding any elective
39 or appointive position.
40

41 All timber or any forest products cut, gathered, collected, removed, or possessed and all the
42 conveyances, machinery, equipment, implements, work animals, and tools used in
43 connection with this violation shall be seized and confiscated in favor of the State.
44

45 SECTION 93. *Illegal Cutting as an Act of Economic Sabotage.* Any of the acts enumerated
46 in the preceding section committed by an armed group or by any group through organized
47 and systematic manner, for commercial purposes, shall be considered an act of economic
48 sabotage punishable by *reclusion perpetua*.
49

50 The commission of any of the prohibited acts by two or more individuals with or without the
51 aid of any mechanical device shall constitute a prima facie evidence that the act is
52 organized and systematic.

53 Any permittee/agreement holder who shall buy logs from unlicensed loggers or loggers
54 operating without permits shall be considered in violation of this Act and, upon conviction,
55 shall also be punished with *reclusion perpetua*.
56

57 SECTION 94. *Use of Illegally Cut Timber in Government Infrastructure Projects.*
58 Contractors of government infrastructure projects shall obtain certification from the
59 Department that the

1
2
3 logs or lumber to be used therein were obtained from legitimate sources. The use of illegally
4 cut naturally grown timber from protection forests or illegally cut timber from production
5 forests in government infrastructure projects shall be sufficient cause for the imposition of
6 penalties provided in Section 88, on harvesting of forest products without authority, and
7 Section 89, on illegal cutting as an economic sabotage, including the withholding of the
8 payment to the contractor.
9

10
11 SECTION 95. *Grazing Livestock on Forestlands without a Permit.* Any person found to have
12 caused the grazing of livestock in forestlands and grazing lands without an authority under a
13 lease or permit to graze, upon conviction, shall be penalized with imprisonment of not less
14 than two (2) years nor more than four (4) years and a fine equivalent to ten times the
15 regular rentals due in addition to confiscation of the livestock and all improvements
16 introduced in the area in favor of the government, and shall restore the affected area into
17 the original state of the natural resource; *Provided,* That in case the offender is a
18 corporation, partnership, or association, the officer or director thereof who directly caused or
19 ordered such shall be liable. In case the offender is a public officer or employee, he shall, in
20 addition to the above penalties, be deemed automatically dismissed from office and
21 permanently disqualified from holding any elective or appointive position in the government
22 service.
23

24
25 SECTION 96. *Unlawful Occupation or Destruction of Forestlands.* Any person who, without
26 authority from the Secretary, enters and occupies or possesses, or engages in kaingin-
27 making for his own private use or for others, any forestland or grazing land, or in any
28 manner destroys such forestland or part thereof, or causes any damage to the timber
29 stands and other forest product found therein, or assists, aids or abets another person to do
30 so, or sets a fire, or negligently permits a fire to be set therein, or refuses lawful orders to
31 vacate the area when ordered to do so shall, upon conviction, be punished with penalties in
32 the amount of not less than One Hundred Thousand Pesos (P100,000.00) nor more than
33 Five Hundred Thousand Pesos (P500,000.00) and imprisonment of not less than six (6)
34 years nor more than twelve (12) years for each offense: *Provided,* That in the case of an
35 offender found guilty of kaingin-making, the penalty shall be imprisonment of not less than
36 ten (10) years nor more than twelve (12) years and a fine equivalent to eight times the
37 regular forest charges due on the forest products destroyed without prejudice to payment of
38 the full cost of rehabilitation of the occupied areas as determined by the Department:
39 *Provided, further,* That the maximum of the penalty prescribed herein shall be imposed
40 upon the offender who repeats the same offense, and double the maximum penalty upon
41 the offender who commits the same offense for the third time or more. In all cases, the court
42 shall further order the eviction of the offender from the area occupied and the forfeiture to
43 the government of all improvements made therein, including all vehicles, domestic animals
44 and equipment of any kind used in the commission of the offense. If not suitable for use by
45 the Department, said improvements, vehicles, domestic animals and equipment shall be
46 sold at public auction, the proceeds from which shall accrue to the FCDF. If the offender is
47 an alien, he shall be deported after serving his sentence and payment of fines, without any
48 further proceedings. An offender who is a government officer or employee, shall, in addition
49 to the above penalties, be deemed automatically dismissed from office and permanently
50 disqualified from holding any elective or appointive position in the government service.
51

52
53 SECTION 97. *Illegal Conversion of City or Municipal Parks, Communal Forests, and Tree*
54 *Parks in Subdivisions.* Any person found to have converted or caused the conversion of a
55 city or municipal park or communal forest, or tree parks within subdivisions established
56 pursuant to Sec. 75 herein and Section 2 of Presidential Decree No. 953, requiring the
57 planting of trees in certain places, into other uses including the construction of permanent
58 buildings therein, or in any manner destroys or causes any damage to the timber stands
59 and other forest product found therein, or assists, aids or abets another person to do so, or

1 sets a fire, or negligently permits a fire to be set therein, upon conviction, shall be penalized
2 by imprisonment of six (6) years and one (1) day to twelve (12) years or a fine of not less
3 than One Hundred Thousand Pesos (P100,000.00) nor more than Five Hundred Thousand
4 Pesos (P500,000.00), or both fine and imprisonment at the discretion of the Court. The
5 offender shall likewise be imposed a fine equivalent to eight times the commercial value of
6 the forest products destroyed without prejudice to payment of the full cost of rehabilitation of
7 the areas as determined by the Department: *Provided, further,* That the maximum of the
8 penalty prescribed herein shall be imposed upon the offender who repeats the same
9 offense, and double the maximum penalty upon the offender who commits the same
10 offense for the third time or more. The court shall further order the forfeiture to the
11 government of all improvements made therein, including all vehicles, domestic animals, and
12 equipment of any kind used in the commission of the offense. If not suitable for use by the
13 Department, said improvements, vehicles, domestic animals and equipment shall be sold at
14 public auction, the proceeds from which shall accrue to the FCDF. An offender who is a
15 government officer or employee, in addition to the above penalties, shall be deemed
16 automatically dismissed from office and permanently disqualified from holding any elective
17 or appointive position in the government service.
18
19

20 SECTION 98. *Misdeclaration or Falsification of Reports on Forest Resource Inventory,*
21 *Scaling, and Survey by a Government Official or Employee.* Any public officer or employee
22 who knowingly misdeclares or falsifies reports pertaining to forest resource inventory,
23 scaling, survey, and other similar activities which are contrary to the criteria and standards
24 established in the rules and regulations promulgated by the Secretary thereof, after an
25 appropriate administrative proceeding, shall be dismissed from the service with prejudice to
26 re-employment. Upon conviction by a court of competent jurisdiction, the same public officer
27 or employee shall further suffer an imprisonment of not less than eight (8) years nor more
28 than twelve (12) years and a fine of not less than One Hundred Thousand Pesos
29 (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00) and the
30 termination of license to practice forestry if the offender is a professional or registered
31 forester: *Provided,* That the inventory, survey, scale, classification, and similar reports
32 referred herein shall be rendered null and void.
33
34

35 SECTION 99. *Unlawful Operation of Sawmills.* Any person operating a sawmill or mini-
36 sawmill without authority from the Secretary shall be punished by a fine of not less than Two
37 Hundred Fifty Thousand Pesos (P250, 000.00) and confiscation of the sawmill or mini-
38 sawmill and complementary equipment in favor of the government for appropriate
39 disposition.
40
41

42 SECTION 100. *Unlawful Operation of Wood Processing Plants and Downstream*

43
44
45 *Industries.* Any person operating a wood processing plant or downstream forest-based
46 industry without authority from the Secretary, shall be punished by, upon conviction by a
47 court of competent jurisdiction, imprisonment of not less than eight (8) years nor more than
48 twelve (12) years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00)
49 and confiscation of the wood processing plant and complementary equipment in favor of the
50 government. The Department shall promulgate the necessary guidelines, subject to the
51 provisions of this Act that will define the terms and conditions for the operation of a wood
52 processing plant and/or other downstream forest-based industries.
53
54

55 SECTION 101. *Prohibition on the Issuance of Tax Declaration on Forestlands.* – Any public
56 officer or employee who issues a tax declaration for any purpose on any part of forestlands,
57 upon conviction, shall be penalized with imprisonment for a period of not less than four (4)
58 years nor more than eight (8) years and perpetual disqualification from holding an elective

1 or appointive office. The tax declaration shall be considered null and void. Tax declarations
2 within protection forestlands shall be reviewed and be cancelled after due process.
3

4
5 SECTION 102. *Unlawful Possession of Implements and Devices Used by Forest Officers.*

6 Any person found possessing or using implements and devices used by forest officers shall
7 be penalized with imprisonment of not less than eight (8) years nor more than twelve (12)
8 years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more
9 than Five Hundred Thousand Pesos (P500,000.00) in addition to the confiscation of such
10 implements and devices and the automatic cancellation of any license agreement, license,
11 lease or permit.
12

13 Any forest officer who willingly allowed unauthorized person(s) to use these implements and
14 devices under his care shall be penalized with imprisonment of not less six (6) years and
15 one (1) day to no more than twelve (12) years and a fine of not less than One Hundred
16 Thousand Pesos (P100,000.00) nor more than Five Hundred Thousand Pesos
17 (P500,000.00).

18 In addition, the said forest officer shall be dismissed from the service with prejudice to
19 reinstatement and with perpetual disqualification from holding an elective or appointive
20 position.
21

22 SECTION 103. *Unauthorized Introduction of Logging Tools and Equipment Inside*

23 *Forestlands.* It shall be unlawful for any person or entity to possess, bring, or introduce any
24 logging tools or equipment inside forestlands without prior authority, from the Secretary or
25 his duly authorized representative. Any person found guilty of illegal possession of said
26 logging tools or equipment shall be liable to imprisonment of six (6) years and one (1) day to
27 twelve (12) years or a fine of not less than One Hundred Thousand Pesos (P100,000.00)
28 nor more than Five Hundred Thousand Pesos (P500,000.00) or both imprisonment and fine,
29 and confiscation of said logging tools and equipment in favor of the government.
30

31
32 SECTION 104. *Non-Payment and Non-Remittance of Forest Charges.* Any person who fails
33 to pay the amount due and payable as forest charges to the government shall not be
34 allowed to transport, convey, sell, nor use the timber or forest product. Moreover, failure to
35 pay within thirty (30) days upon assessment of forest charges shall be a ground for
36

37
38 confiscation of the said timber or forest product in favor of the government. Any person who
39 fails or refuses to remit to the proper authorities said forest charges collectible pursuant to
40 the provisions of this Act or the National Internal Revenue Code, as amended, or who
41 delays, obstructs or prevents the same, or who orders, causes or effects the transfer or
42 diversion of the funds for purposes other than those specified in said Acts shall, upon
43 conviction, be imprisoned for not less than six (6) years nor more than ten (10) years and
44 fined from One Hundred Thousand Pesos (P100,000.00) nor more than Five Hundred
45 Thousand Pesos (P500,000.00). If the offender is a corporation, partnership, or association,
46 the officers and directors thereof shall be liable.
47

48
49 SECTION 105. *Institution of Criminal Action by Forest Officers.* Any forest officer shall

50 arrest any person who has committed or is about to commit, or is committing in his
51 presence any of the offenses defined in this chapter. The tools, animals, equipment and
52 conveyances used in committing the offense, and the forest products cut, gathered, taken
53 or possessed by the offender in the process of committing the offense shall also be seized
54 and confiscated in favor of the government. The arresting forest officer shall thereafter
55 deliver within thirty-six (36) hours from the time of arrest or seizure both the offender and
56 the confiscated forest products, conveyances, tools and equipment, or the documents
57 pertaining to the same, and file the proper complaint with the appropriate official designated
58 by law to conduct preliminary investigation and file information in court. If the arrest and
59 seizure are made in the forest far from authorities designated by law to conduct preliminary

1 investigations, the delivery to and filing of the complaint with the latter shall be done within a
2 reasonable time sufficient for ordinary travel from the place of arrest to the place of delivery.
3 The seized forest products, materials, conveyances, tools and equipment shall be
4 immediately disposed of in accordance with the regulations promulgated by the Secretary.

5
6 The Secretary may deputize any agency, barangay official, or any qualified person to
7 protect the forest and exercise the powers or authority provided for in the preceding
8 paragraph. Reports and complaints regarding the commission of any of the offenses
9 defined in this chapter not committed in the presence of any forest officer or any of the
10 deputized officers shall immediately be reported to the forest officer assigned in the area
11 where the offense was allegedly committed. Thereupon, the investigating officer shall
12 receive the evidence supporting the report or complaint and submit the same to the
13 appropriate official authorized by law to conduct a preliminary investigation of criminal cases
14 and file the information in court.

15 The Secretary of Justice shall designate in every city and province a special prosecutor who
16 shall file charges against forest violators to ensure their speedy prosecution.

17
18 SECTION 106. *Liability of Custodian of Confiscated Forest Products.* Any public officer who
19 fails to produce the timber or forest products, including tools, conveyances, equipment, and
20 devices in his custody pursuant to a seizure or confiscation made thereon, or who shall
21 appropriate, take, misappropriate, or shall permit another person to take such timber forest
22 products wholly or partially, shall suffer the penalty provided for in Article 217, on
23 Malversation of Public Funds or Property, of the Revised Penal Code. In addition, the said
24 public officer shall be dismissed from service with prejudice to reinstatement and with
25 perpetual disqualification from holding any elective or appointive office.

26 27 CHAPTER XIV 28 ADMINISTRATIVE PROVISIONS

29
30 SECTION 107. *Strengthening of the Forest Management Sector.* Only qualified
31 environmental management professionals and practitioners shall be appointed to the
32 positions of Director and Assistant Director of the FMB as well as to all other positions
33 where the services of professional foresters e.g. CENRO are required in accordance with
34 existing laws and the relevant rules and regulations issued by the Civil Service Commission
35 (CSC) and the Professional Regulations Commission (PRC).

36
37
38 SECTION 108. *Administrative Authority of the Secretary or his Duly Authorized*
39 *Representative to Order Confiscation.* In all cases of violations of this Act or other forest
40 laws, rules, and regulations, the Secretary or his duly authorized representative may order
41 the confiscation of forest products illegally harvested, cut, gathered, removed or possessed
42 or abandoned, and all conveyances used either by land, water, or air as well as all
43 machinery, equipment, implements, and tools used in the commission of the offense and to
44 dispose of the same in accordance with pertinent laws, regulations, or policies on the
45 matter.

46
47 The Secretary may order that the sale of confiscated perishable forest resources at public
48 auction even before the termination of the judicial proceedings, following the applicable
49 Rules on Evidence, with the proceeds of such sale kept in trust to await the outcome of the
50 judicial proceedings.

51 No court of the Philippines shall have jurisdiction to issue any Writ of Replevin, restraining
52 order, or preliminary mandatory injunction in any case involving or growing out of any action
53 by the Secretary or his duly authorized representative in the exercise of the foregoing
54 administrative authority.

55
56 SECTION 109. *Cancellation of Permits, Licenses, Agreements.* The Secretary *motu proprio*
57 or upon the filing of a petition, may cancel any permit, license or agreement.

1 The relevant agencies shall formulate the appropriate rules and regulations for the
2 implementation of this Act.

3
4 SECTION 121. *Appropriations.* The amount necessary to initially implement the provisions
5 of this Act shall be charged against the appropriations of the Department of Environment
6 and Natural Resources in the current General Appropriations Act. Provided further that a
7 share from the VAT on oil and natural gas, emission testing tax, flood control tax, road
8 users tax, and the Reforestation, Watershed Management, Health and/or Environment
9 Enhancement Fund, pursuant to Section 4 of Republic Act No. 9136, otherwise known as
10 the Electric Power Industry Reform Act of 2001 (EPIRA), and its Implementing Rules and
11 Regulations (IRR), shall be appropriated to fund provisions in this Act. Thereafter, such
12 sums as may be necessary to fully implement the provisions of this Act shall be included in
13 the annual General Appropriations Act. For local government units, the funding
14 requirements shall be taken from their internal revenue allotment (IRA) and other sources of
15 income including the income derived from the shares from the different modes of
16 agreement.

17
18
19 SECTION 122. *Separability Clause.* Should any provision herein be declared
20 unconstitutional or invalid, the same shall not affect the validity or legality of the other
21 provisions.

22
23
24 SECTION 123. *Repealing Clause.* Subsections (b), (d), (e), (f), (g), and (i) of Section 4 of
25 Act No. 3915; Republic Act Nos. 460 and 7161; Presidential Decree Nos. 705, 1153,
26 1515, 1559, 1775 and 1998; Letter of Instruction No. 818; Executive Order Nos. 277, series
27 of 1987, and Executive Order No. 725, series of 1981, are hereby repealed, and all laws,
28 orders, rules and regulations, or any part thereof which are inconsistent herewith are
29 likewise hereby repealed or amended accordingly: *Provided*, That this Act shall not in any
30 manner amend the IPRA, NIPAS law and the Wildlife Resources Act.

31
32
33 SECTION 124. *Effectivity.* This Act shall take effect thirty (30) days from the date of its
34 publication in the Official Gazette or in at least two (2) national newspapers of general
35 circulation.

36
37
38 Approved,