

THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*

) '04 JUN 30 P2:43  
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S E N A T E

S. No. 216

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Introduced by Senator S. R. Osmeña III

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#### EXPLANATORY NOTE

During the past decade, the concern for environmental protection claimed the public's attention with tremendous force world-wide. The growing concern for ecological balance has been motivated by the natural disasters that were attributed to the environmental degradation resulting from over half a century of industrial development.

In the Philippines, the massive exportation of lumber during the post-war period, and the accelerating urbanization and the encroachment of urban settlements into agricultural and forest lands have resulted in the despoliation of forests. Our forest cover fell from 16.67 million hectares in 1967 to 6.79 million hectares in 1987. Forest fires resulting from sheer neglect also contributed to the destruction of our forests. Despite a log ban that sought to check the depletion of our forest resources, the forest cover further declined to 5.59 million hectares in 1995. Towards the end of the century, the forest cover was estimated at no more than 19 percent of the total land area of the Philippines.

The increasing incidence of disastrous floods that have claimed countless lives and property, as well as droughts that ravage the land in the dry season and the general decline in the productivity of lowland farms and fishing grounds are all attributed in one way or another to the diminution of our forests.

This bill seeks to address the problem of forest destruction through the establishment of systems for forest management. Indigenous people and other communities whose livelihood depend on the forest have the strongest incentive for ensuring the conservation and sustainable use of our forests, to be further strengthened by improving the land-tenure security of forest communities.

This bill provides for a Community-Based Forest Management Program (CBFMP) to be undertaken by the DENR, the DILG and local government units. Indigenous people and other forest communities will be empowered to manage, develop, utilize and protect forest resources in a sustainable way. The success of this program rests on the involvement and participation of stakeholders whose incentives are consistent with those of society as a whole.

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

  
**SERGIO OSMEÑA III**  
Senator

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

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

1        **Section 1. Title** - This act shall be known as the "**Sustainable**  
2 **Management of Forest Act of 2004.**"

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

- 10        a. **Sustainable and integrated management and development of**  
11 **forest resources.** The management and development of forest  
12 resources in an integrated and sustainable basis, focusing on the  
13 resource and the people who manage and benefit from it, shall be the  
14 guiding principle in the management, protection, conservation and  
15 development of forest resources.

- 1           b. **Watershed as the basic forestland management unit.** Forestland  
2           management plans shall be developed and implemented utilizing the  
3           watershed as the basic management unit. The forestlands shall be  
4           managed under the concepts of sustainable and multiple-use,  
5           including the conservation of the bio-diversity.
- 6           c. **Community-based forest management (CBFM) as the principal  
7           strategy.** This involves the vesting of access rights and responsibilities  
8           to local communities and Indigenous People's (IPs) to promote the  
9           management and development of forestland resources on a  
10          sustainable basis. It shall have precedence over the other strategies.
- 11          d. **Multi-Sectoral participation.** The participation of all sectors of society  
12          in sustainable forestland management and development shall be  
13          promoted. Equitable sharing of the benefits derived from the  
14          forestlands shall be ensured.
- 15          e. **Reforestation and agroforestry as priority measures.**  
16          Reforestation, agroforestry and other appropriate measures including  
17          assisted natural regeneration (ANR) shall be given emphasis in order  
18          to rehabilitate and restore productivity of denuded and degraded lands  
19          as well as increase income of the marginalized sectors of society.
- 20          f. **Protection and rehabilitation of forestlands as priority.** Protection  
21          and rehabilitation of forestlands including all protected areas shall be  
22          given priority to ensure environmental stability, enhance biological  
23          diversity and provide economic benefits.
- 24          g. **Permanency of forestland limits.** The specific limits of forestlands  
25          after these have been fixed and demarcated shall not be altered  
26          except through the Act of Congress.
- 27          h. **Forest resources to promote the common good.** The use of forest  
28          resources shall bear a social function, responsibility and accountability  
29          to promote the common good.

- 1 i. **Professionalism in forest service.** A dynamic professional and  
2 people-oriented forest service shall be established and fully supported.
- 3 j. **Security of tenure.** In pursuance of the principle of multi-use forest  
4 management, a secured tenure shall be guaranteed by the State.

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

- 7 a. *Agroforestry.* – refers to a sustainable management of lands which  
8 increases their overall productivity by properly combining agricultural  
9 crops and/or livestock with forest crops simultaneously or sequentially  
10 through the application of management practices which are compatible  
11 with the local climate, topography, slope and soil as well as with the  
12 cultural patterns or customary laws of the local population.
- 13 b. *Alienable and Disposable Lands.* – are those lands of the public  
14 domain which have been delineated, classified and declared as such  
15 and available for disposition under Commonwealth Act No. 141, as  
16 amended, otherwise known as the Public Land Act.
- 17 c. *Ancestral Domain* – refers to all lands and natural resources occupied  
18 or possessed by indigenous cultural communities, by themselves or  
19 through their ancestors, communally or individually, in accordance with  
20 their customs and traditions since time immemorial, continuously to the  
21 present except when interrupted by war, *force majeure*, or displaced by  
22 force, deceit or stealth.
- 23 d. *Annual Allowable Harvest.* – refers to the amount or volume of  
24 materials, whether of timber, non-timber or other forest products,  
25 authorized by the government to be harvest within each year from the  
26 forests.
- 27 e. *Assisted Natural Regeneration (ANR)* – refers to systematic and  
28 sustained prevention of fire, care and tending of naturally-growing  
29 seedlings, and other related activities implemented to expedite the

1 restoration of forest cover, including trees, brush and associated  
2 vegetation through the natural process of biological succession.

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

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

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

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

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

23 k. *Community-Based Forest Management Strategy*- refers to all  
24 organized efforts of government to work with communities in and  
25 adjacent to public forest lands with the intent to empower them, and  
26 entrust to them the protection, rehabilitation, management,  
27 conservation, and utilization of the forest lands and resources therein.

28 l. *Conveyance* – refers to any vehicle, vessel, device or animals used in  
29 transporting forest products.

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

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

11 o. *Department* – refers to the department of Environment and Natural  
12 Resources.

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

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

24 r. *Environmental Impact Statement (EIS) System* – refers to the entire  
25 process of organization, administration, and procedures  
26 institutionalized for purposes of assessing the significance of the  
27 effects of any project or undertaking on the quality of the physical,  
28 biological and socio-economic environment, and designing appropriate  
29 mitigating and enhancement measures.

- 1 s. *Fitch* – refers to a large piece of sawn log or, as that term is commonly  
2 applied, to a part of a log of a greater thickness than a plank or board.
- 3 t. *Forest* – refers to either natural vegetation or a plantation of forest  
4 crops such as trees, or both, occupying a definable, uninterrupted or  
5 contiguous areas exceeding but not less than one hectare in size with  
6 three crown covering at least ten percent (10%) of the area, exclusive  
7 of the associated seedlings, saplings, palms, bamboos and other  
8 undercover vegetation. A natural forest is a stand dominated by trees  
9 whose structure, functions and dynamics have been largely the result  
10 of a natural succession process. It includes such stand types as  
11 dipterocarp, pine, mossy, molave, beach and mangrove. For the  
12 purpose of this Act, natural forests may be classified according to 1)  
13 primary use and management objective, and 2) growth formation. In  
14 terms of primary use and management, a forest shall either be  
15 classified as 1) protection forest; 2) production forest or 3) multiple-use  
16 forest after its most suitable function has been determined pursuant to  
17 this Act. In terms of growth formation, a natural forest is classified as  
18 either 1) primary or old-growth forest which has not never been  
19 subjected to significant human disturbance, or has not been  
20 significantly affected by hunting and gathering of forest products, such  
21 that its natural structure, functions and dynamics have not undergone  
22 any major change; or 2) managed forest as herein defined.
- 23 u. *Forest Charges* – refer to levies imposed and collected by the  
24 government on timber and other forest products.
- 25 v. *Forest Community* – is a group of people residing inside or  
26 immediately adjacent to a particular forestland who are largely or partly  
27 dependent on the forest resources found therein for their subsistence.



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

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

9 y. *Forest Plantation* – refers to a tract of land extensively planted to forest  
10 trees, rattan, bamboo, and all other forest species.

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

15 aa. *Grazing Land* – refers to a part of the forestland designated and  
16 managed for the raising of livestock.

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

1 populations which inhabited the country, at the time of conquest or  
2 colonization, or at the time of inroads of non-indigenous religious and  
3 cultures, or the establishment of present state boundaries, who retain  
4 some or all of their own social, economic, cultural and political  
5 institutions, but who may have been displaced from their traditions  
6 domains or who may have resettled outside their ancestral domains.  
7 As used in this Act indigenous cultural community is synonymous with  
8 indigenous people (IP).

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

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

20 ee. *Kaingeros* – refer to upland farmers who practice slash-and-burn or  
21 shifting cultivation.

22 ff. *Managed Forest* – refers to a forest under deliberate system of  
23 protection, rehabilitation and development which may include utilization  
24 of resources, to ensure the production of desired products and  
25 services, and the conservation of soil, water, wildlife and other natural  
26 resources therein for the benefit of present and future generations.

27 gg. *Multiple Use* – refers to harmonized utilization, development and  
28 management of forestland for the production of two or more products,

1 goods and/or services in conformity with the principle of sustainable  
2 development.

3 hh. *National Park* – refers to a forest reservation essentially of natural  
4 wilderness character which has been withdrawn for settlement,  
5 occupation or any form of exploration except in conformity with an  
6 approved management plan and set aside as such primarily to  
7 conserve the area or preserve the scenery, the natural and historic  
8 objects, wild animals and plants therein and to provide enjoyment of  
9 these features in such areas

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

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

18 kk. *Person* – refers to a natural as well as a juridical person.

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

23 mm. *Production Sharing Agreement* – is a contract wherein the  
24 government grants to a person the privilege to manage, develop and  
25 utilize forest resources within a specific area and period of time, with  
26 the grantee providing the financing, technology, management,  
27 personnel and other inputs necessary for the implementation of the  
28 agreement, and both parties sharing the benefits under terms and  
29 conditions set forth in the agreement.

1 nn. *Protected Areas* – are those areas defined and designated as such  
2 pursuant to Republic Act no. 7586 or NIPAS Act.

3 oo. *Reforestation* – refers to all land use activities directed towards the  
4 restoration, establishment and sustained management of diversified  
5 vegetation on denuded, degraded and/or marginal lands, including but  
6 not limited to the planting and tending of timber, orchard and multi-use  
7 trees, perennial leguminous vines (i.e. cover crops), grass, shrubs,  
8 vegetative hedgerows grown on contours, the establishment of check  
9 dams and other measures which contribute to soil and water  
10 conservation.

11 pp. *Reservation* – refers to an area of forestland that has been reserved by  
12 law for a specific purpose.

13 qq. *Rotation* – refers to the number of years between the initial  
14 establishment of a plantation and the time when it is considered ready  
15 for harvesting.

16 rr. *Secretary* – refers to the Secretary of the Department of Environment  
17 and Natural Resources.

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

21 tt. *Sustainable Development* – means meeting the needs of the present  
22 generation without compromising the ability of the future generation to  
23 meet their own needs.

24 uu. *Sustainable Forest Management and Development* – is the process of  
25 managing, developing, and utilizing forestland resources to achieve the  
26 production of desired products or services without impairing the  
27 inherent productivity of the forest thereby insuring a continuous flow of  
28 these products or services.

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

4 ww. *Tiber License Agreement or TLA* – refers to a privilege granted by  
5 the State to a person to utilize forest resources within a forestland with  
6 the right of possession and occupation thereof, to the exclusion of  
7 others, except the Government, but with the corresponding obligation  
8 to develop, protect and rehabilitate the same in accordance with the  
9 terms and conditions set forth in the said agreement.

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

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

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

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

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

## 26 CHAPTER II

### 27 LIMITS AND CLASSIFICATION OF FORESTLANDS

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

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

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

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

27           SEC. 5. **Additional Areas to be Included as Permanent Forest Lands.**

28 – The following lands, although below eighteen percent (18%) in slope, are  
29 needed for environmental protection and forestry purposes and shall not

1 therefore, be classified as alienable and disposable lands, nor be subject to  
2 logging, mining, quarrying, and such other form of occupancy, land use or  
3 resource extraction activities:

- 4 a. Areas less than two hundred fifty hectares (250 ha.) which are far from,  
5 or not contiguous with any certified alienable or disposable land;
- 6 b. Isolated patches of forest of at least five hectares (5 ha.) which rocky  
7 terrain or which protect a spring for communal sue;
- 8 c. Areas of not less than ten hectares (10 ha.) covered with natural forest;
- 9 d. All mangroves and swamplands which are not yet classified as  
10 alienable and disposable lands;
- 11 e. Ridge tops and plateaus regardless of size found within or surrounded  
12 wholly or partially by forestlands where headwaters emanate;
- 13 f. Appropriately located road rights-of-way;
- 14 g. Twenty-meter (20 m.) strips of land along the edge of the normal high  
15 waterline of rivers and streams with channels of at least five (5) meters  
16 wide, which are not classified as alienable and disposable;
- 17 h. Strips of mangrove or swamplands at least twenty (20) meters wide,  
18 along the shoreline facing oceans, lakes and other bodies of water,  
19 and strips of lands at least twenty (20) meters wide facing lakes, which  
20 are not yet classified as alienable and disposable;
- 21 i. Areas needed for other purposes of public interest such as national  
22 parks, national historic sites, game refuge and wildlife sanctuaries,  
23 forest station sites, research/experimental purposes, and others;
- 24 j. Areas previously proclaimed by law as forest reserves, national parks,  
25 game refuge, bird sanctuaries, national shrines, national historical  
26 shrines, and national historic sites;
- 27 k. Areas within watershed reservations; and

1 I. Areas considered environmentally critically because of their  
2 vulnerability to damage from typhoons, landslides, volcanic eruptions  
3 and natural causes.

4 Owners who have acquired vested rights over lands enumerated above  
5 are required to implement soil and water conservation measures in coordination  
6 with the Department and the appropriate local government unit. An  
7 Environmental Compliance Certificate (ECC) shall be required for  
8 environmentally critical projects in accordance with existing law. *Provided*, That  
9 the Department and/or the local government unit concerned shall immediately  
10 take the necessary steps to expropriate the property concerned or cancel or  
11 amend any titles issued thereon under any of the following conditions:

- 12 a. Failure of the owner, after due notice, to implement appropriate soil  
13 and water conservation;
- 14 b. Failure of the owners to comply with ECC requirements;
- 15 c. The issuance of titles or other tenurial instruments over such areas  
16 was accomplished through fraud, deceit, misrepresentation or other  
17 anomalies; and
- 18 d. When public interest so requires.

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

22 **SEC. 7. *Delineation of Boundaries of Forestlands.*** – The Department  
23 shall within three (3) years upon the effectivity of this Act delineate on the ground,  
24 the boundaries between the permanent forestlands and alienable or disposable  
25 lands with concrete monuments, road or infrastructure, or any other visible  
26 permanent and practical signs.

27 The Department shall allocate funds for appropriation in the annual  
28 General Appropriations Act for the purpose of land classification and boundary  
29 delineation of forestlands.





1 utilized and protected consistent with the policies promulgated in this Act. The  
2 utilization and development of forestlands and unclassified lands of the public  
3 domain including the natural resources therein shall be undertaken in  
4 accordance with a Department approved sustainable watershed management  
5 plan.

6 **SEC. 10. *Participation of Local Government Units in Forest***

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

26 **SEC. 11. *Forestlands Under Other Government Agencies.*** –

27 Forestlands and or portions of such, which have been assigned by law under the  
28 administration and management of other government agencies for specific  
29 purposes, including those devolved to LGUs prior to the passage of this Act, shall

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

19 **SEC. 12. *Forest Resources Within Alienable and Disposable Lands.* –**

20 The Department shall encouraged and provide incentives to land owners of  
21 alienable and disposable lands to keep the natural forest on their lands under  
22 sustainable management or develop and maintain a tree plantation on such  
23 lands. Landowners may register their forests with the Department and shall be  
24 assisted in the preparation of a management plan, and given other technical  
25 assistance. The utilization of trees and other forest resources shall be allowed in  
26 accordance with the management plan.

27

**CHAPTER**

28

**SUSTAINABLE MANAGEMENT OF FOREST RESOURCES**

1           SEC. 13. ***Sustainable Forest Management Planning.*** – The  
2 Department, in consultation and coordination with local government units and  
3 other concerned sectors such as but not limited to other government agencies,  
4 local communities, non-government organization, individual and corporate private  
5 investors and other sectors, shall adopt and implement a sustainable forest  
6 management plan for each well-defined watershed or other appropriate forest  
7 management unit. Within one (1) year from the effectivity of this Act, the  
8 Department shall prepare a Sustainable Forest Management Strategy (SFMS)  
9 that will guide the preparation of site-specific forest management plans based on  
10 criteria, indicators and standards (minimum requirements) for sustainable forest  
11 management. The SFMS shall, at the minimum, address the following:

- 12           a. promotion of rational allocation of forestland uses and land use  
13           practices that increase productivity, and conserve soil, water and other  
14           forestland resources;
- 15           b. protection of existing forest resources and conservation of bio-  
16           diversity;
- 17           c. rehabilitation of denuded areas to expand the forest resource base,  
18           thereby promoting agricultural development and other food production  
19           activities;
- 20           d. enhancement of the socioeconomic well-being of local communities  
21           including indigenous peoples who are largely dependent of the forest  
22           for their livelihood;
- 23           e. observance of stakeholder participation through consultation between  
24           and among the Department, local government units, other national  
25           agencies, and civil society in the sustainable management of forest  
26           lands;
- 27           f. adoption of Community-based forest management as the principal  
28           strategy in the management of forest land and resources, and the

1 formulation of incentives designed to promote sustainable forest  
2 management pursuant to this strategy;

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

7 h. integration of forest management plans with the local land use and  
8 development plans; and

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

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

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

## 20 CHAPTER V

### 21 COMMUNITY-BASED FOREST MANAGEMENT

22 SEC. 16. ***Community-Based Forest Management Strategy (CBFMS).*** –  
23 Forest communities, indigenous peoples and other communities whose lives,  
24 culture and general well-being are intimately linked with the forests, shall be  
25 entrusted with the responsibility and the privilege to protect, manage, develop  
26 and utilize forest resources under the principle of stewardship. Pursuant to this  
27 policy, the State herein adopts Community-Based Forest Management Strategy  
28 (CBFMS) as a principal strategy to achieve sustainable forestland management,  
29 social justice and economic development particularly in the rural areas. The

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

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

22       **SEC. 18. *Qualified Participants.*** – Only organized forest communities as  
23 defined in this Act shall be eligible to participate in the CBFM strategy. The  
24 indigenous people shall be encouraged to actively participate in the  
25 implementation of CBFM activities in recognition of their rights to their ancestral  
26 domains and lands. All organizations eligible to participate in CBFM shall have  
27 the following qualifications:

- 28       a. Members shall be Filipino citizens; and
- 29       b. Members may either be:

- 1 1. Actually tilling portions of the area to be awarded;
- 2 2. Traditionally utilizing the resource for all or a substantial portion
- 3 of their livelihood;
- 4 3. Actually residing within or adjacent to the areas to be awarded;
- 5 or
- 6 4. Tenured migrants as defined in R.A. 7586

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

15 SEC. 20. **Creation of Financing Mechanisms for CBFM.** – *Creation of*  
16 *Financing Mechanisms for CBFM* – The Department, in coordination with other  
17 agencies of government, shall develop measures for sustained financing to  
18 establish CBFM in all areas of the country. Towards this end, the Department  
19 shall prioritize the following: Within six (6) months from enactment of this Act, the  
20 Secretary shall organize a committee composed of duly-authorized  
21 representatives of the Development Bank of the Philippines (DBP), the Land  
22 Bank of the Philippines (LBP), the Government Service Insurance System  
23 (GSIS), the Social Security System (SSS), the Bankers Association of the  
24 Philippines and other government and private financial institutions to formulate  
25 workable financing mechanisms and instruments to fund implementation of the  
26 CBFM strategy and its sub-strategies. The committee shall elect its chairman  
27 from among its members and shall, within one year from effectivity of this Act,  
28 prepare the necessary policies, guidelines and procedures for this purpose.

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

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

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

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



1 CHAPTER VI

2 REFORESTATION PROGRAM

3 SEC. 23. **Reforestation in Forestland.** – *Reforestation in Forestland* –

4 Consistent with Section 13 hereof, the Department, in coordination with local  
5 government units (LGUs), other government agencies, NGOs, local residents  
6 and communities shall identify and prioritize forest lands to be reforested  
7 pursuant to the definition contained in Chapter I, Section 3, paragraph (nn)  
8 hereof and consistent with the land use of the LGUs.

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

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

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

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

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

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

11 **SEC. 25. *Development of Production Forests.*** – Reforestation  
12 strategies shall emphasize, prioritize and encourage the development of under-  
13 utilized private land to eventually supply the major portion of timber, bamboo,  
14 rattan and other forest products needed to satisfy local demand and take  
15 optimum advantage of export opportunities.

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

19 b. All trees and other forest products grown on private lands shall be  
20 considered agricultural crops belonging to the owner who shall have  
21 the right to sell, contract, convey, process or dispose of the same in  
22 any manner he/she sees fit. No forest charges, environmental fees or  
23 similar levies shall be imposed by national government agencies  
24 and/or local government units on such trees and other forest products  
25 grown on private land, nor shall any rules or regulations be enacted to  
26 control the transport of such products except those necessary to  
27 prevent accidents or damage to roads and other infrastructure.  
28 Furthermore, the owners shall be entitled to the incentives provided  
29 under Section 26, subsections (a), (b), (c), (d) and (e) hereof.

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

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

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

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

28 a. The agreement holder shall not be subject to any obligation prescribed  
29 or arising out of the provisions of the National Internal Revenue Code

- 1 on withholding tax at source upon interest paid on borrowing incurred  
2 for the development of forest plantations;
- 3 b. Amounts expended by the agreement holder in the development and  
4 operation of a forest plantation prior to the commercial harvest, shall  
5 be regarded as ordinary and necessary expense as capital  
6 expenditure;
- 7 c. The Board of Investments shall classify forest plantations as pioneer  
8 and preferred areas of investment under its annual priority plan subject  
9 to the rules and regulations of the said Board;
- 10 d. The agreement holder shall be given priority in credit assistance  
11 granted by Government-owned, controlled and/or supported financial  
12 institutions. For this purpose, the Committee created under Section 19  
13 of this Act and the Department shall within one (1) year of the  
14 effectivity of this Act, create a favorable mechanism to support  
15 reforestation and establishment of forest plantations;
- 16 e. Upon the premature termination of agreement at no fault of the holder,  
17 all depreciable including the planted, standing trees and other forest  
18 crops introduced and to be retained in the area shall be properly  
19 valuated and the holder shall be mutually agreed upon by both the  
20 Department and the holder and in case of disagreement between  
21 them, by a mutually acceptable impartial third party;
- 22 f. No contract or agreement shall be terminated except for cause or for  
23 reason of public interest, and only after due process which informs the  
24 concerned parties of the intention to terminate and allows them to  
25 present their objections, comments or other relevant information; and
- 26 g. The agreement holder has the right to transfer, contract, sell or convey  
27 his rights to any qualified person.

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

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

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

20           **SEC. 30. *Establishment of Tree Parks in Subdivision and Providing***  
21 ***Tree Planting on Roadsides.*** – Every subdivision project to be developed after  
22 the passage of this Act shall include the establishment of a tree park covering not  
23 less than fifty percent (50%) of the total open spaces required under existing  
24 laws and regulations. Guidelines for the establishment of tree parks within  
25 subdivisions shall be prepared jointly by the Housing and Land Use Regulatory  
26 Board (HLURB) and the Department. For every national, provincial, city or  
27 municipal road/highway construction project, the Department of Public Works  
28 and Highways (DPWH) or the concerned LGU shall include the planting and  
29 maintenance of tree and/or perennial shrubs along the road/highway, and

1 establishment of roadside parks-cum-rest areas planted to trees and/or perennial  
2 shrubs every fifty (50) kilometers along the road/highway, and shall provide  
3 adequate funds for this purpose in the respective budget for road/highway  
4 construction.

## 5 CHAPTER VII

### 6 FOREST PROTECTION

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

16 SEC. 32. **Exemptions.** – Community-based forest management projects,  
17 industrial forest plantations, tree farms, agro-forestry farms and other forest  
18 plantations including bacauan and other mangrove forest plantations, communal  
19 forests, ancestral lands and domains with approved ancestral domain  
20 management plans, and research projects approved by government agencies  
21 concerned shall not be covered by Section 31 of this Act. Government projects  
22 and those of public utilities involving right-of-way, the development of mineral  
23 reservations and energy resource and the like shall be allowed subject to the  
24 issuance of an Environmental Compliance Certificate by the Secretary of the  
25 Department.

26 SEC. 33. **Displaced Workers.** – Workers of existing commercial logging  
27 operations, including wood processing plants, who will be displaced as a result of  
28 this Act, shall be given priority in employment in government forestry programs  
29 including those mentioned in Sec. 15 of this Act as well as other reforestation

1 programs for a period of four (4) years from the effectivity of this Act; *Provided*,  
2 That workers who are upland dwellers displaced as a result of this Act shall  
3 likewise be given priority for employment in said forestry and reforestation  
4 programs and in the allocation of forestlands for forest development and  
5 livelihood.

6         **SEC. 34. *Assistance of Law Enforcement Agencies.*** – The Department  
7 shall deputize law enforcement agencies and instrumentalities of the  
8 Government, including, but not limited to, the Philippine National Police (PNP),  
9 the Armed Forces of the Philippines (AFP) and the National Bureau of  
10 Investigation (NBI), for the enforcement of the logging ban and for the  
11 conservation and protection of forests. The assistance of the NGOs,  
12 cooperatives, citizen groups and community organizations shall also be utilized  
13 for the same purpose. The Department of National Defense (DND), through the  
14 AFP, in close coordination with the Department, shall create a special forest law  
15 enforcement unit through a process jointly designed by the DND and the  
16 Department and composed of members recruited from the major service  
17 commands of the AFP.

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

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

28         **SEC. 35. *Role of Local Residents.*** – Qualified local residents may be  
29 deputized by the Department to assist in the protection of forests against illegal





1 shall within one (1) year from the passage of this Act, prepare a research and  
2 technology development and transfer agenda for sustainable forest  
3 management, which shall be implemented, monitored, and reviewed in  
4 accordance with existing research management systems. *Provided*, That  
5 adequate and sustainable funds for research and technology development and  
6 transfer shall be provided under the General Appropriations Act.

7       **SEC. 39. *Forestry Extension Service.*** – Within one (1) year from  
8 effectivity of this Act, Department shall formulate a program for development of  
9 an effective forestry extension service and include funds and plantilla for the  
10 same in its annual budget submission to Congress for inclusion in the General  
11 Appropriation Act. This program shall be revised and updated as needed to  
12 ensure Department capability to provide competent extension services to all  
13 sectors involved or intending to participate in reforestation and other forest  
14 management activities on forestlands or privately-owned lands.

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

18       **SEC.40. *National Public Information, Education and Advocacy***  
19 ***Campaign.*** – The Department, the Philippine Information Agency (PIA), the  
20 Department of Education, Culture and Sports (DECS), State Universities and  
21 Colleges, Private Universities and Colleges, with support from LGUs, NGOs,  
22 media and other organizations, shall formulate and implement a sustained,  
23 nationwide, public information and advocacy campaign for forest and natural  
24 resources conservation and sustainable development. The DECS with the  
25 assistance of the Department and the College of Forestry departments of State  
26 Universities and Colleges, shall formulate curricula for forest and natural  
27 resources conservation, which the DECS will prescribe for inclusion in the  
28 curricula for elementary and high school education. Congress shall allocate funds

1 for the purpose of supporting a systematic campaign to promote community  
2 ecological awareness throughout the country.

3       SEC. 41. **Formal Forestry Education.** – The Commission on Higher  
4 Education and Development (CHED) in collaboration with the Department, Board  
5 of Foresters of the Professional Regulations Commission (PRC) and duly  
6 accredited Forestry Professional organizations, shall actively pursue the  
7 rationalization of formal forestry education to ensure high quality manpower  
8 output to meet the needs of the forestry sector.

9       SEC. 43. **Continuing Education in Forestry.** – A non-formal program of  
10 continuing education shall be established to maintain the growth of the forestry  
11 professional. The Board of Foresters of the Professional Regulations  
12 Commission (PRC) and the Civil Service Commission (CSC) shall provide the  
13 guidelines for a continuing education program in forestry. The Department by  
14 itself or in cooperation with academic institutions shall develop the infrastructures  
15 to institutionalize non-formal continuing education for the forestry sector.

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

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

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

## 9 CHAPTER IX

### 10 DISPOSITION AND UTILIZATION OF 11 FOREST RESOURCES

12 SEC. 44. ***Modes of Forest Management Agreement.*** – The  
13 development, utilization and management of forest resources on forestlands shall  
14 be under the full control and supervision of the Department. The State may  
15 directly undertake such activities or it may enter into co-production, joint venture  
16 or production sharing agreement with qualified Filipino citizens or corporations,  
17 subject to the relevant laws, rules and regulations; *Provided*, That interested  
18 members of forest communities as defined in Section 3 hereof, shall be given  
19 priority in the grant of said agreements; *Provided, further*, That all applications  
20 must be acted upon within a period of six (6) months. Failure to do so would be  
21 grounds for the filing of the appropriate administrative or criminal charges against  
22 the officer tasked to carry out the said function. Such agreements shall have a  
23 duration of twenty-five (25) years, renewable for another twenty-five (25) years  
24 under such terms and conditions as may be provided by the Secretary; *Provided*,  
25 That such agreements may not be terminated except for cause or when public  
26 interest so requires.

27 Current holders of existing and valid licenses, contracts or agreements  
28 granted by the government for the development, management and utilization of  
29 forest resources may be allowed to continue under the same terms and

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

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

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

27       SEC. 48. ***Grazing.*** – The Department shall identify areas in the production  
28 forest land suitable for grazing purposes. However, no forestland fifty percent  
29 (50%) in slope or over may be utilized for grazing purposes.

- 1 a. Identified grazing land shall be turned over to the Department of  
2 Agriculture (DA) which shall be responsible for licensing utilization of  
3 the same through lease or other appropriate arrangement by private  
4 investors, and shall furthermore be responsible for supervising  
5 development and management of such lands for livestock production  
6 purposes;
- 7 b. Within six (6) months from effectivity of this Act, the Department, in  
8 collaboration with the DA shall formulate and promulgate guidelines for  
9 the utilization, development and management of grazing lands  
10 including, but not limited to, prescriptions for pasture improvement, soil  
11 and water conservation, reforestation of lands over fifty percent slope  
12 and other relevant activities designed to ensure environmentally-sound  
13 management;
- 14 c. Within one (1) year from effectivity of this Act, the DA in consultation  
15 with the Department and revenue collection agencies of the  
16 government, shall formulate and promulgate guidelines and criteria for  
17 establishing fees and charges covering utilization of grazing lands, the  
18 amounts of which shall be commensurate with a fair value due to  
19 government but not less than one hundred fifty pesos (P150.00)  
20 annually per hectare;
- 21 d. Existing pasture lease agreements/forest land grazing lease  
22 agreements shall be allowed to continue under the current terms and  
23 conditions for the unexpired term subject to compliance guidelines  
24 promulgated pursuant to paragraph (b.) above;
- 25 e. The DA shall not issue any new permit, lease, or contract, nor such  
26 existing agreements be allowed to continue on grazing lands if not  
27 covered by the EIS and an ECC;
- 28 f. Within one (1) year from effectivity of this Act, the DA, in collaboration  
29 with the Department shall conduct and complete a review of

1 performance of existing pasture lease/forestland grazing lease  
2 agreements/permits and cancel all such agreement/permits which are  
3 inactive or not in compliance with terms and conditions set forth in  
4 such agreements/permits; and

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

7 **SEC. 49. *Mining and Power Generation Operations in Forestlands.* –**

8 Forest resources inside mineral lands are under the Department's jurisdiction,  
9 and their management and utilization are subject to the provisions of this Act.  
10 Power generation and small scale mining operations in forestlands may be  
11 allowed only after the issuance of an Environmental Compliance Certificate  
12 (ECC).

13 **SEC. 50. *Roads and other infrastructure.* –** Roads and other  
14 infrastructure inside forestlands shall be constructed with the least impairment to  
15 the resource values found in such forestlands. Government agencies undertaking  
16 the construction of roads, bridges, communication and other infrastructure inside  
17 forestlands shall coordinate with and seek prior authority from the Department.

18 Persons allowed to develop, explore or utilize forest resources as provided  
19 under Section 50 of this Act, may be allowed to construct roads and other  
20 infrastructure inside the forestlands in accordance with approved comprehensive  
21 management plans, and upon compliance with EIA and ECC requirements and  
22 upon authorization by the Department. All roads and infrastructure constructed  
23 by forest management agreement holders and other permittees, licensees,  
24 lessees shall belong to the State, and their use and administration shall be  
25 transferred to the government upon termination of the agreement.

26 **CHAPTER X**

27 **FOREST –BASED INDUSTRIES**

28 **SEC. 51. *Establishment and Operation of Forest-Based Industries.* –**

29 It shall be the policy of the State to assure the availability and sustainability of the

1 country's forest resources through judicious use and systematic restoration or  
2 replacement, increase the productivity of forest resources to meet the demands  
3 for forest-based goods and services of a growing population; enhance the  
4 contribution of forest resources for achieving national economic and social  
5 development; and promote equitable access to forest resources. The State shall  
6 promote the establishment, operation and development of forest-based  
7 industries: *Provided*, That the Department shall regulate the establishment and  
8 operation of processing plants or mills for forest products. To achieve this policy  
9 statement, incentives shall be provided to forest-based industries.

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

- 14 a. All processing plants or mills shall be granted operating permits with a  
15 duration of five (5) years and automatically renewable every five (5)  
16 years thereafter, subject to compliance with the terms and conditions  
17 of such permits: *Provided*, That permits of processing plants owned or  
18 operated by holders of forest management agreements or contracts  
19 shall be co-terminus with the expiry of said agreements or contracts;
- 20 b. The Department shall provide incentives for the processing of lesser  
21 used and non-wood species, and all logging and wood processing  
22 wastes;
- 23 c. The Department shall, within one (1) year from the effectivity of this  
24 Act, submit to Congress, through the President of the Philippines,  
25 additional measures that need to be legislated and that are designed to  
26 improve the competitiveness and viability of forest-based industries;
- 27 d. The Department shall promote and strengthen the linkages between  
28 corporate and community-based industries; and

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

3 **SEC. 53. *Export and Sale of Timber Products.*** – Finished and semi-  
4 finished lumber products, wood manufactures and other finished wood products  
5 derived from local and imported logs and planted species shall be allowed for  
6 export. However, logs and unprocessed wood of naturally-grown species of  
7 whatever dimensions cut, gathered or removed from natural forests in forestlands  
8 shall not be exported.

9 Exportation of logs, lumber and other finished products from plantations  
10 shall be allowed pursuant to such guidelines that the Department may  
11 promulgate. Furthermore, no restrictions, rules and regulations shall be imposed  
12 to prevent the export of timber and other forest products derived from plantations  
13 established o privately owned lands.

14 No person shall sell or offer for sale any log, lumber, plywood or other  
15 manufactured wood products in the international or domestic market unless  
16 he/she complies with the grading rules and standards, or any act of falsification  
17 of the volume of logs, lumber, or other forest products in the international or  
18 domestic market shall be sufficient cause for cancellation of export license, wood  
19 processing permit, or other license or permit authorizing the manufacture or sale  
20 of such products.

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

## 25 CHAPTER XI

### 26 FOREST CHARGES, FEES AND RENTALS

27 **SEC. 55. *Fees and Rentals for the Utilization, Exploitation,***  
28 ***Occupation, Possession of and Activities Within Forestlands.*** – The  
29 Department shall prescribe appropriate fees and rentals for the different kinds of





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

#### 4 CHAPTER XIII.

#### 5 CRIMINAL OFFENSES AND PENALTIES

6 SEC. 61. ***Harvesting, Gathering and/or Collecting Timber or Other***  
7 ***Forest Products Without Authority.*** – Any person who shall harvest, cut,  
8 gather, collect or remove timber or other forest products from any forestland, or  
9 timber from natural forest inside alienable and disposable public land, without  
10 authority from the Secretary or who shall possess timber or other forest products  
11 without the pertinent required legal documents shall be punished by  
12 imprisonment ranging from *prison mayor* minimum period to *reclusion temporal*  
13 minimum period and/or a fine equivalent to ten times the value of the said forest  
14 products but not less than fifty thousand pesos (P50,000): *Provided, that in case*  
15 *of partnership, associations or corporation, the president, managing partner, and*  
16 *general manager shall be liable, and if such officers is an alien, he shall, in*  
17 *addition to the penalty, be deported without further proceedings on the part of the*  
18 *Bureau of Immigration and Deportation. Offenders who are public officials shall*  
19 *be deemed automatically dismissed from office and permanently disqualified*  
20 *from holding any elective or appointive position. All timber or any forest products*  
21 *cut, gathered, collected, removed or possessed and all the conveyances,*  
22 *machinery, equipment, implement, work animals and tools used in connection*  
23 *with this violation shall be seized and confiscated in favor of the government.*

24 SEC. 62. ***Illegal Cutting as an Act of Economics Sabotage.*** – If any  
25 acts enumerated in the preceding section have been committed by an armed  
26 group or organized group through conspiracy, threat, fraud or deceit the  
27 gathering, collecting or removing timber or other forest products from any  
28 forestland or alienable and disposable public land without any authority from the  
29 Secretary, or possession of timber or other forest products without the pertinent

1 required legal documents shall be considered as an act of economic sabotage  
2 and shall be punishable by *reclusion perpetua*.

3       **SEC. 63. Use of Illegally Cut Timber in Government Infrastructure**  
4 **Projects.** – Contractors of government infrastructure are required to obtain  
5 certification from the Department that the lumbers used were from legitimate  
6 sources. Use of illegally cut timber in government infrastructure projects is  
7 prohibited and shall be sufficient cause for withholding of the payment of the  
8 contractor. Further, the contractor may be subject to the penalties provided under  
9 Section 72 hereof.

10       **SEC. 64. Damage to Residual Tress.** – To ensure the sustainability of  
11 the forest, adequate number of residual trees shall be marked to form part of the  
12 managed forest and as the future timber crop before any harvesting operations  
13 commence. Any marked residual tree that is damaged is subject to a fine  
14 equivalent to four times the regular forest charges.

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

28       **SEC. 66. Unlawful Occupation or Destructive of Forestlands.** – any  
29 person who enters, occupies or possesses or makes *kaingin* for his own private

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

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

24 **SEC. 68. *Illegal Acts on Wildlife.*** – It shall be unlawful for any person to  
25 collect, catch possess, hunt, wound, kill, capture, or destroy the nest or eggs,  
26 host plants, trade, display or keep in petshops, flowershops, orchidariums,  
27 nurseries, and the like, threatened wildlife, its by-products or derivatives or  
28 destroy the habitats of wildlife, including those designated as critical habitats.  
29 Any person violating this provisions shall be punished by imprisonment of six (6)

1 years and one (1) day to twelve (12) years and a fine of One Million Pesos  
2 (P1,000,000.00) for species listed under Cites I; Seven hundred fifty thousand  
3 pesos (P750,000.00) for species listed under CITES II; and Five hundred  
4 thousand pesos (P500,000.00) for threatened species.

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

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

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

15 **SEC. 69. *Misdeclaration, falsification of Forest Resource Inventory,***  
16 ***Scaling, Surveys and Reports by Government Official or Employee.*** - Any  
17 public officer or employee who knowingly misdeclares or falsifies forest resource  
18 inventory, scaling, surveys and other similar reports which are contrary to the  
19 criteria and standards established in this Act or the rules and regulations  
20 promulgated hereunder shall, after an appropriate administrative proceedings, be  
21 dismissed from the service and permanently disqualified from employment in any  
22 agency of the government. Upon conviction by a court of competent jurisdiction,  
23 the same public officer or employee shall further suffer an imprisonment of not  
24 less than eight (8) years nor more than twelve (12) years and a fine of not less  
25 than Twenty thousand pesos (P20,000.00) nor more than One hundred thousand  
26 pesos (100,000.00). Furthermore, the subject inventory, survey, classification or  
27 report shall be null and void.

28 **SEC. 70. *Unlawful Operation of Processing Plants or Mills.*** Any  
29 person operating a processing plant or mill without authority from the Secretary

1 of his duly authorized representative, shall be punished by a fine of not less than  
2 One hundred thousand pesos (P100,000.00) and confiscation of the equipment  
3 and other paraphernalia in favor of the government.

4 **SEC. 71. *Prohibition on Issuance of Tax Declaration of Forestlands.* –**

5 Any public officer or employee who shall issue a tax declaration for any purpose  
6 of forestland, shall suffer imprisonment for a period of not less than four (4) years  
7 nor more than eight (8) years and perpetual disqualification from holding an  
8 elective or appointive office; *Provided*, That such tax declaration shall be  
9 considered null and void.

10 **SEC. 72. *Unlawful Possession of Implements and Devices Used by***

11 ***Forest Officers.*** – Unlawful possession of official implements and devices used  
12 by forest officers, such as but not limited to marking hatchets, shall be penalized  
13 with imprisonment of not less than four (4) years nor more than eight (8) years  
14 and a fine of not less than Twenty thousand pesos (P20,000.00) nor more than  
15 One hundred thousand pesos (P100,000.00). In addition, the said forest officer  
16 responsible for faithful possession and use of such implement/device shall be  
17 dismissed from the service, with prejudice to reinstatement and with perpetual  
18 disqualification from holding any elective or appointive position.

19 **SEC. 73. *Unauthorized Introduction of Logging Tools and Equipment***  
20 ***Inside Forestlands and National Parks.*** – It shall be unlawful for any person or

21 entity to possess, bring or introduce inside forestlands any chainsaw, logging  
22 tools or equipment other than bolos and simple hand tools without prior authority  
23 from the Secretary or his duly authorized representative. Any person found guilty  
24 of illegal possession of said chainsaw, logging tools or equipment shall be liable  
25 to imprisonment of twelve (12) years and one (1) day to fourteen (14) years and  
26 eight (8) months or fixed not less than Fifty thousand pesos (P50,000.00) nor  
27 more than One hundred thousand pesos (P100,000.00) or both, and confiscation  
28 of said logging tools and equipment.

1           **SEC. 74. *Non-payment and Non-Remittance of Forest Charges.*** – Any  
2 person who fails to pay the amount due and payable to the government shall not  
3 be allowed to transport, convey, sell or use the forest product and failure to pay  
4 within thirty (30) days upon assessment of forest charges, shall be a ground for  
5 the confiscation of the said forest product in favor of the government, pursuant to  
6 Section 60 of this Act. Any person who fails or refuses to remit to the proper  
7 authorities said forest charges collectible pursuant to the provisions of this Act or  
8 the National Internal Revenue Code, as amended, or who delays, obstructs or  
9 prevent the same, or who orders, causes or effects the transfer or diversions of  
10 the funds for purposes other than those specified in this Act for each such  
11 offense shall, upon conviction, be imprisoned for not less than six (6) years nor  
12 more than ten (10) years and be fined from twenty thousand pesos (P20,000.00)  
13 to one hundred thousand pesos (100,000.00). If the offender is a government  
14 official or employee, he/she shall, in addition, be dismissed from service,  
15 permanently disqualified from employment or reinstatement and perpetually  
16 disqualified from holding any elective or appointive office. If the offender is a  
17 corporation, partnership or association, the officers and directors thereof shall be  
18 liable.

19           **SEC. 75. *Institution of Criminal Actions by Forest Officers.*** – A forest  
20 officer shall arrest even without warrant any person who has committed or is  
21 about to commit, or is committing in his presence any of the offenses defined in  
22 this chapter. He/she shall also seize and confiscate, in favor of the government,  
23 the tools, equipment and conveyances used in committing the offense, and the  
24 forest products cut, gathered, taken or possessed by the offender in the process  
25 of committing the offense. The arresting forest officer shall thereafter deliver  
26 within six (6) hours from time of arrest or seizure, the offender and the  
27 confiscated forest products, conveyances, tools and equipment, or the  
28 documents pertaining to the same, and file the proper complaint with the  
29 appropriate official designated by law to conduct preliminary investigation and file





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

13 The Forest Management Bureau (FMB) shall be organized into a line  
14 agency. The Secretary, in consultation with the Civil Service Commission (CSC)  
15 and the Department of Budget and Management (DBM), is hereby authorized to  
16 reorganize the Bureau and the forestry sector at the field level and create  
17 additional positions as may be necessary for community-based forest  
18 management, forest protection, and other programs mandated under this Act,  
19 and to upgrade the salaries of foresters and other forest officers.

20 **SEC. 78. Authority of the Secretary on the Utilization of Forest**  
21 **Resources.** – The utilization of forest resources from natural forests found in  
22 forestlands, alienable and disposable lands not yet awarded to private individuals  
23 or entities, government-established reservations, and all other forestlands  
24 including those under ancestral domain claims and control or management of  
25 other government agencies, shall be prohibited except through valid license,  
26 permit, or other agreement approved by the Secretary or his/her duly authorized  
27 representative.

28

1           SEC. 79. **Administrative Authority of the Secretary of his Duly**  
2 **Authorized Representative to Order Confiscation.** – In all cases of violations  
3 of this Act or other forest laws, rules and regulations, the Secretary or his duly-  
4 authorized representative may order the confiscation of forest products illegally  
5 harvested, cut gathered, removed or possessed or abandoned, and all  
6 conveyances used either by land, water or air as well as the machinery,  
7 conveyance, equipment, implement and tools used in the commission of the  
8 offense and to dispose of the same in accordance with pertinent laws,  
9 regulations or policies on the matter.

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

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

18           SEC. 80. **Administrative Authority of the Secretary to Impose Fines.** –  
19 In all cases of violations, forest officers of other government officials or  
20 employees duly authorized by the Secretary, shall have free entry into areas  
21 covered by a contract, agreement, license, lease or permit. Forest officers are  
22 authorized to inspect and open closed vans suspected to contain illegally  
23 harvested, collected or transported forest products, provided this is done in the  
24 presence of the shipper or consignee or two (2) responsible public officials in the  
25 locality. Forest Officers are authorized to administer oath, take acknowledgement  
26 in official matters connected with the functions of their office, take testimony in  
27 official investigations conducted under the authority of this Act and the  
28 implementing rules and regulations issued pursuant thereof.

1           SEC. 82. **Visitorial Powers.** – The Secretary or his duly authorized  
2 representative shall, from time to time, investigate, inspect and examine records,  
3 and other documents except bank records related to the operation of any person  
4 granted the privilege or with a contract to utilize forest resources to determine  
5 compliance with the terms and conditions stipulated in the grant, the contract,  
6 this Act and pertinent laws, rules and regulations.

7           SEC. 83. **Other Incentives.** – Twenty percent (20%) of the value of  
8 confiscated materials shall be paid as incentives to informants including  
9 members of Multi-Sectoral Forest may also be donated to LGUs and other  
10 government agencies for building government infrastructure, in recognition of  
11 their participation in forest protection activities. Additional incentives may be  
12 provided by the Department, in addition to those provided under the Government  
13 Service Insurance System (GSIS) or Workmen's Compensation Law. They shall  
14 also be entitled to free legal assistance should legal cases be filed against them  
15 in the performance of official duties.

16           SEC. 84. **Protection for Witnesses to Violation/s of Forestry Laws.** –  
17 Witnesses to violations of this Act or other forestry laws and regulations,  
18 including the immediate family members of said witnesses, shall be given  
19 protection, security and benefits, subject to the provisions of Republic Act No.  
20 6981, otherwise known as the "Witness Protection, Security and Benefit Act" and  
21 its implementing rules and regulations.

22           SEC. 85. **Rule-Making Authority.** – Implementing Rules and Regulations.  
23 The Secretary, within one (1) year from effectivity of this Act, promulgate the  
24 rules and regulations necessary to effectively implement the provisions of this  
25 Act.

26           SEC. 86. **Separability Clause.** – Should any provision herein be declared  
27 unconstitutional, the same shall not effect the validity or the legality of the other  
28 provisions.

1           SEC. 87. **Repealing Clause.** – Subsections (b), (d), (f), (g), and (i) of  
2 Section 4 of Act No. 3915; Republic Act No. 460; Presidential Decree Nos. 705,  
3 1153, 1515, 1559, 1775 and 1998; Letter of Instruction No. 818; Executive Order  
4 No. 277, and 278, series of 1987, and Executive Order NO. 725, series of 1981,  
5 are hereby repealed, and all laws, orders, rules and regulations or any part  
6 hereof which are inconsistent herewith are repealed or amended accordingly.

7           SEC. 87. **Effectivity.** – This Act shall take effect fifteen (15) days after its  
8 publication in the Official Gazette or in at least two (2) national newspapers of  
9 general circulation.

Approved,