

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

'04 JUN 30 P3:14

SENATE

S. No. 259

RECEIVED BY: 

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE


The Philippine coconut industry plays a key role in agricultural development. Twenty-seven percent of total agricultural land is used for coconut planting. 68 out of 79 of our provinces are coconut areas. Furthermore, the coconut industry consists of 3.5 million coconut farmers and an estimate of 25 million Filipinos are directly or indirectly dependent on the said industry.

As of 2002, the industry is among the top 5 net foreign exchange earners for the country averaging \$760 million per annum. Furthermore, it has cornered 59% of the world market for coconuts.

To further improve the condition of the coconut industry, this bill seeks to amend certain provisions of Republic Act 8048. Recognizing the expertise of the Philippine Coconut Producers Federation (COCOFED) in coconut planting and harvesting as well as other types of the coconut production, the bill authorizes the COCOFED, in addition to the Philippine Coconut Authority (PCA), to issue permits to cut coconut trees.

Moreover, the bill seeks to exempt coconut farmer-applicants from paying the P25 application fee, and in lieu thereof they shall be required to plant 2 coconut seedling for every tree that they intend to cut. Also, the proposed bill stipulates that buyers of coconut lumber be required to provide coconut farmers with 5 seed-nuts for every coconut tree to be cut down.

In view hereof, the approval of this measure is highly recommended.


SERGIO R. OSMEÑA III
Senator

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AN ACT
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO 8048 ENTITLED,
"AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF
COCONUT TREES, ITS REPLENISHMENT, PROVIDING PENALTIES
THEREFOR 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. Section 3 of Republic Act No. 8048, is hereby amended to
2 read as follows:

3 "SECTION 3. Definitions of terms. — For purposes of this Act, the
4 following terms shall be defined as follows:

5 a) Coconut tree refers to a tall pinnate-leaved palm bearing a
6 large edible fruit called the coconut.

7 b) Replanting program refers to the program formulated by the
8 Philippine Coconut Authority (PCA) to replenish the coconut trees which
9 have been permitted to be cut by the PCA.

10 c) Permit refers to the written authorization of the PCA **AND**
11 **COOFED** allowing the cutting of coconut trees.

12 d) Economically unproductive farm refers to a coconut area
13 where the cost of farm production and maintenance is greater than the
14 generated proceeds or income for a period of at least three (3) years.

15 e) Senescent coconut trees are coconut trees which are
16 already overage, weak and no longer productive.

1 f) COCOFED REFERS TO PHILIPPINE COCONUT
2 PRODUCERS FEDERATION, A PRIVATE NON-GOVERNMENTAL
3 ORGANIZATION REPRESENTING COCONUT PRODUCERS AND
4 FARMERS.”

5 SEC. 2. Sec. 5 of the same Act is hereby amended to read as follows:

6 “SEC. 5. Permit to cut. — No coconut tree or trees shall be cut
7 unless a permit therefore, upon due application being made, has been
8 issued by the PCA pursuant to Section 6 of this Act.

9 The applicant shall pay an application fee in the amount of
10 Twenty-five pesos (P25.00) for every tree intended to be cut payable to
11 the PCA. HOWEVER, FARMER-APPLICANTS ARE HEREBY
12 EXEMPTED FROM PAYING SAID FEE. Ten pesos (P10.00) of the fee
13 shall accrue in favor of the PCA, Ten pesos (P10.00) in favor of the
14 municipal government concerned, and Five pesos (P5.00) in favor of the
15 barangay unit concerned. The fees shall be used for the PCA's
16 replanting program and for the repair and rehabilitation of roads of the
17 respective local government units which have been damaged by the
18 passage of heavy vehicles used for transporting coconut lumber.

19 No permit to cut shall be granted unless the applicant, in
20 coordination with the PCA, **COCOFED** and the local government unit
21 concerned, has already planted the equivalent number of coconut trees
22 applied for to be cut. HOWEVER, COCONUT FARMER-APPLICANTS
23 SHALL BE REQUIRED TO PLANT TWO (2) COCONUT SEEDLINGS
24 FOR ONE TREE INTENDED TO BE CUT.

25 THE BUYERS OF COCONUT LIMBER SHALL BE REQUIRED
26 TO PROVIDE COCONUT FARMERS FIVE 95) SEEDNUTS FOR
27 EVERY COCONUT TREE TO BE CUT.

1 Such replantings, however, shall not apply to areas converted into
2 industrial, commercial or residential sites or land transformed in
3 accordance with law, into other agricultural purposes.

4 The PCA, in coordination with the **COCOFED AND** local
5 government unit concerned, shall regulate and oversee the planting,
6 fertilization and care of the newly planted coconut trees. For this
7 purpose, it shall be incumbent upon the PCA to conduct, from time to
8 time, on-the-spot inspections of the sites where the coconut trees have
9 been planted."

10 SEC. 3. Section 6 of the same Act is hereby amended to read as follows:

11 "SEC. 6. Authority to Cut. — The Philippine Coconut Authority [shall
12 have the exclusive authority to grant permit for the cutting of coconut
13 trees] AND COCOFED SHALL, UPON PROPER EVALUATION OF ALL
14 APPLICATIONS TO CUT COCONUT TREES, ISSUE A PERMIT
15 THEREOF. The authority may be delegated to the city or municipal
16 mayors as the PCA may determine; PROVIDED, THAT THE CITY OR
17 MUNICIPAL MAYORS SHALL COORDINATE WITH COCOFED IN
18 EVALUATING ANY APPLICATION BEFORE ITS APPROVAL."

19 SEC. 4. section 7 of the same Act is hereby amended to read as follows:

20 "SEC. 7. Implementing Rules. — The Philippine Coconut Authority
21 shall be the lead agency to implement the provisions of this Act. For this
22 purpose, the Philippine Coconut Authority shall [prescribe]
23 COORDINATE AND CONSULT WITH THE COCOFED IN
24 PRESCRIBING the necessary rules and regulations for the immediate
25 and effective implementation of this Act.

26 The PCA, in order to effectively implement the provisions of this
27 Act, may request the assistance of COCOFED AND any local
28 government unit, to monitor and ensure compliance with this Act
29 including its implementing rules and regulations. For this purpose, the

1 PCA may deputize the Philippine National Police or other law
2 enforcement agencies to investigate and apprehend those caught
3 violating the provisions of this Act, including the confiscation of illegally
4 cut trees.

5 In addition to the foregoing, the PCA shall also, in coordination
6 with the COCOFED AND local government unit concerned, require the
7 registration of all sawmills, lumberyards, coconut wood dealers and other
8 persons or entities dealing in the processing, sawing of the coconut
9 trees.”

10 SEC. 5. Repealing Clause. - All laws, decrees, executive orders, rules
11 and regulations, or parts hereof inconsistent with the provision of this Act are
12 hereby repealed, amended or modified accordingly.

13 SEC. 6. This Act shall take effect fifteen (15) days after its publication in
14 the Official Gazette or in at least two (2) newspapers of general circulation
15 whichever comes earlier.

16 Approved,