

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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S E N A T E

S. No. 289

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

This measure seeks to protect, conserve and develop water resources by defining the offense of illegal logging in watersheds and other protected areas, and prescribing the appropriate penalties therefor.

The importance of watersheds and other areas classified as protected areas in the maintenance of a healthy environment is well recognized in Republic Act. No. 7586 otherwise known as the *National Integrated Protected Areas Systems Act of 1992*. This law is flawed however, in the weakness of penal provisions needed for the enforcement and implementation of its provisions.

The rampant conversion of forest lands situated on watersheds into commercial lands which are eventually cleared to make way for industrial estates or golf courses constitute an extremely high cost to social welfare and have to be stemmed with the appropriate penal sanctions provided for in this bill.

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



SERGIO OSMEÑA III
Senator

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AN ACT
DEFINING THE OFFENSE OF ILLEGAL LOGGING IN WATERSHEDS AND
OTHER PROTECTED AREAS, AND PROVIDING PENALTIES THEREFOR

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

1 SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of
2 the State to protect, conserve and develop water resources for human
3 consumption, irrigation, hydro-electric power generation, inland fisheries, bio-
4 diversity and for other beneficial purposes, and to these ends, the cutting and
5 felling of trees within watersheds and other protected areas are prohibited.

6 SEC. 2. *Illegal Logging in Watershed and Other Protected Areas.* – It is
7 hereby declared unlawful for any person to cut or fell trees for any purpose
8 whatsoever within watersheds and other protected areas.

9 SEC. 3. *Penalties.* – Violation of Section 2 hereof shall be punished with
10 reclusion perpetua. No mitigating circumstance whatsoever shall be appreciated
11 in favor of the offender.

12 In addition to the prison term, the offender shall indemnify the Republic of
13 the Philippines in an amount ten (10) times the value of the illegally cut trees.

14 If the offender is a corporation, partnership or other juridical person, the
15 Chief Executive Officer thereof, whether Chairman, President or General
16 Manager, shall be criminally liable in the commission of the offense penalized
17 under this Act.

1 If the crime herein mentioned is committed by a public officer, he shall; in
2 addition to the foregoing penalties, be perpetually disqualified from holding public
3 office.

4 SEC. 4. *Suspension of Licenses.* – Upon the filing of the necessary
5 information in court, the government prosecutor shall, if the offender is a
6 corporation, partnerships or other juridical person to whom a license agreement,
7 lease or permit to utilize forest resources within any forest land has been
8 granted, forward a copy of the information to the Department of Environment and
9 Natural Resources (DENR). Upon receipt thereof, DENR shall immediately
10 cause the suspension of the license agreement, lease or permit, as the case may
11 be, of the offender until termination of the criminal case.

12 In case the offender is acquitted, the suspension shall be ordered lifted.
13 Otherwise, the license, lease or permit shall be ordered cancelled.

14 SEC. 5. The Indeterminate Sentence Law shall not be applicable to the
15 offense punished in this Act.

16 SEC. 6. *Forfeiture of the Instruments of the Crime.* – Any tool,
17 equipment or vehicle used in the cutting and transport of the illegally cut trees
18 shall be automatically forfeited in favor of the government.

19 SEC. 7. *Separability Clause.* – If for any reason, any portion or provision
20 of this Act is declared unconstitutional or invalid, such parts not affected thereby
21 shall remain in full force and effect.

22 SEC. 8. *Repealing Clause.* – All laws, presidential decrees, executive
23 orders, issuances, rules and regulations or parts thereof inconsistent with the
24 provisions of this Act are hereby repealed or modified accordingly.

25 SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its
26 publication in the Official Gazette or in at least two (2) newspapers of general
27 circulation whichever comes earlier.

Approved,