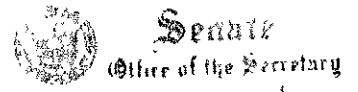


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session



13 NOV -4 P 4 :45

SENATE

RECEIVED BY: *ji*

S.B. No. 1900

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to implement an important provision found in Section 4, Article XII of the 1987 Constitution which states that Congress shall determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground and that such forest lands and national parks may not be increased nor diminished except by law.

At present, the government relies only on land classification maps and cadastral survey maps of the Department of Environment and Natural Resources and on local government initiatives in the identification of forest lands and agricultural lands. With properly identified forest lands, the national government can better plan the utilization of existing forestlands and ensure the protection and preservation of the same.

This proposed measure seeks to designate as forest lands the following: (a) all lands already classified as forest lands as per existing land classification maps issued by the DENR; (b) all permanent forest reserves proclaimed as such by the President or by law; (c) such areas within the classified lands of the public domain that were assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations and which may hereafter be classified as forest land by the DENR.

Moreover, a Land Classification Conflict Adjudication Board will also be created to resolve controversies and disputes arising from land classification as a result of the delimitation of forest lands. It is worth stressing that the delineation of the permanent forest line is key to the establishment and implementation of a sustainable development plan for the country's forest resources.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


LOREN LEGARDA
Senator

13 NOV -4 P4 :45

SENATE

S.B. No. 1900

RECEIVED BY: *ju*

Introduced by Senator Loren Legarda

AN ACT
PROVIDING FOR THE DELINEATION OF THE SPECIFIC FOREST LIMITS
OF THE PUBLIC DOMAIN AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* - This Act shall be known and cited as the "Forest Limits
2 Act of 2013".
3

4 SECTION 2. *Declaration of Policy.* - It is the policy of the State to conserve, protect
5 and develop the forest resources of the country in order to attain ecological balance,
6 preserve valuable ecosystems, prevent environmental degradation and promote
7 sustainable development for the present and future generations. To achieve these
8 ends, Section 4, Article XII of the 1987 Constitution mandates Congress to determine
9 by law the specific limits of forest lands and national parks marking clearly their
10 boundaries on the ground.
11

12 SECTION 3. *Definition of Terms.* - For the purpose of this Act, the following terms
13 shall, unless the context indicates otherwise, have the following meanings:
14

15 (a) *Agricultural lands* refer to alienable or disposable lands of the
16 public domain that have been the subject of the land classification system and
17 declared as not needed for forest purposes;
18

19 (b) *Delimitation survey* refers to the establishment of land
20 classification boundaries, and the monumenting thereof following ground survey;
21

22 (c) *Delineation* refers to the conduct of site investigation, field
23 reconnaissance and assessment, and staking of boundaries between forest lands,
24 national parks and agricultural lands verified in the field in accordance with the
25 criteria set forth under Department of Environment and Natural Resources
26 Administrative Order No. 2008-24;
27

28 (d) *Forest lands* refer to all lands of the public domain already
29 classified as forest land as per existing land classification maps issued by the
30 Department of Environment and Natural Resources (DENR) including all
31 permanent forest reserves proclaimed as such by the President or declared by law,

1 and such areas within the unclassified lands of the public domain that were
2 assessed and delineated by the DENR in accordance with pertinent laws, rules and
3 regulations;

4
5 (e) *Production forest* refers to a forest area designated primarily for
6 production of wood, fibre, bio-energy and/or non-wood forest products;

7
8 (f) *Protected Area* refers to identified portions of land and/or water
9 set aside by reason of their unique physical and biological significance, managed to
10 enhance biological diversity and protected against destructive human exploitation;

11
12 (g) *Protection forest* refers to a forest whose value lies in the
13 regulation of stream flow and the prevention of erosion and avalanches rather than
14 in its timber; and

15
16 (h) *Tenured migrant* refers to forest occupants who have actually and
17 continuously occupied a portion of the forest and is solely dependent therein for
18 subsistence. A forest occupant is understood to be "solely dependent for
19 subsistence" when everything indispensable for survival for the household,
20 including food, clothing, shelter and health, comes only from the utilization of
21 resources from the forest.

22
23 **SECTION 4. *What Constitutes Forest Land*** - The following shall constitute the
24 forest lands, to wit:

25
26 (a) All lands of the public domain already classified as forestland as
27 per existing land classification maps issued by the DENR;

28
29 (b) All permanent forest reserves proclaimed as such by the
30 President or declared by law; and

31
32 (c) Such areas within the unclassified lands of the public domain that
33 were assessed and delineated by the DENR in accordance with pertinent laws, rules
34 and regulations and which may hereafter be classified as forest land by the DENR.

35
36 **SECTION 5. *Guidelines in Determining the Specific Limits of Forest Lands.*** -
37 The following guidelines and procedures shall be followed in determining the specific
38 limits of forestlands in the country;

39
40 (a) The previously established Land Classification (LC) survey lines
41 per province with their respective technical descriptions (TDs) and maps shall be the
42 basic data and information that will be used as reference material in undertaking the
43 validation, assessment and delineation process.

44
45 (b) All completed assessment and delineation reports for a given
46 province shall be endorsed to the National Review and Evaluation Committee as
47 created herein to be headed by the Secretary of the DENR for final approval.

48
49 (c) The same process shall be followed for other provinces with
50 ongoing assessments and delineation activities until such time that all the boundaries
51 of forest lands of the whole country shall have been delimited. *Provided, That* all
52 assessments, validations and delineations shall be completed not later than one (1)
53 year after the passage of this Act.

1 **SECTION 6. *Creation of the National Review and Evaluation Committee.*** – In
2 recognition of the constitutional mandate as embodied in Section 4, Article XII thereof,
3 and in view of the urgent need to establish the permanent limits of the forest lands of
4 the country, a National Review and Evaluation Committee is hereby created to process,
5 evaluate and approve all completed assessment and delineation reports referred to in
6 the immediately preceding section. The Committee, in its evaluation and approval of
7 the said reports, shall adhere strictly to existing established laws, policies, rules,
8 regulations and guidelines pertinent thereto.

9
10 The Committee shall be composed of the following:

- 11
12 (a) Secretary of the DENR as Chairman;
13 (b) Secretary of the Socioeconomic Planning and Director-General of
14 the National Economic and Development Authority (NEDA) as
15 Vice-Chairman;
16 (c) Secretary of the Department of Interior and Local Government
17 (DILG) as Member;
18 (d) Secretary of the Department of Agriculture (DA) as Member;
19 (e) Secretary of the Department of Agrarian Reform (DAR) as
20 Member;
21 (f) Chairman of the Housing and Urban Development Coordinating
22 Council (HUDCC) as Member;
23 (g) Chairman of the National Commission on Indigenous Peoples
24 (NCIP) as Member; and
25 (h) President of the League of Provinces of the Philippines as
26 Member.
27

28 Upon approval of the assessment and delineation reports as herein specified, the
29 Committee shall submit the same to Congress that shall thereafter form part of its
30 official records. The assessment and delineation reports as approved by the Committee
31 shall be adopted as constituting the final boundaries of the forest lands covered by the
32 said report.
33

34 **SECTION 7. *Demarcation and Delimitation of Forest Land Boundary.*** – Immediately
35 after the forest line has been determined following the guidelines prescribed in Section
36 5 hereof, the DENR shall delimit and establish the permanent boundary monuments on
37 the ground.
38

39 **SECTION 8. *Permanency of the Specific Forest Limits.*** The permanent forest lands
40 established pursuant to this Act shall not be diminished nor reduced except by an Act
41 of Congress. The DENR, in coordination with all agencies and branches of the
42 government, shall see to it that the forest cover and vegetation therein shall be
43 protected, preserved, and enhanced.
44

45 **SECTION 9. *Sub-classification of Permanent Forest Lands.*** – The permanent forest
46 lands shall be further sub-classified as follows: (a) protection forests; and (b)
47 production forests.
48

49 After due consultation with the local government units (LGUs), concerned
50 communities, and other stakeholders, the DENR shall undertake the sub-classification
51 of the permanent forest lands.
52
53

1 **SECTION 10. *Recognition of the Rights of the Indigenous Cultural***
2 ***Communities/Indigenous Peoples and Tenured Migrant Communities.*** - In the
3 ground delineation of the permanent forest limits, the occupation by indigenous
4 cultural communities/indigenous peoples and tenured migrants shall be recognized
5 and respected consistent with the provisions of Republic Act No. 7160 or the Local
6 Government Code of 1991, Republic Act No. 8371 or the Indigenous Peoples Rights
7 Act (IPRA) of 1997, and Presidential Decree No. 705, as amended, or the Forestry
8 Code of 1975.

9
10 **SECTION 11. *Accessibility of Record to the Public.*** - All records and information
11 pertaining to the specific forest limits delineated pursuant to this Act shall be made
12 available to all local government units (LGUs), other government agencies, and to
13 the general public.

14
15 **SECTION 12. *Implementing Rules and Regulations.*** - Within three (3) months
16 from the effectivity of this Act, the Secretary of the DENR shall issue the
17 corresponding Implementing Rules and Regulations for the effective
18 implementation of this Act.

19
20 **SECTION 13. *Monitoring, Evaluation, and Reporting System.*** - To attain the
21 objectives of this Act, a field monitoring, evaluation and reporting system shall be
22 adopted by the Secretary of the DENR to regularly keep track of the state of the
23 country's forest lands after their delimitation.

24
25 **SECTION 14. *Creation of the Adjudication Board to Resolve Controversies on***
26 ***Land Classification Conflicts.*** - A Land Classification Conflict Adjudication Board,
27 herein referred to as the Board, is hereby created to resolve controversies arising
28 from land classification as a result of the delimitation of forest lands pursuant to
29 this Act. The Board shall be composed of the following:

- 30
31 (a) Secretary of the Department of Justice as Chairman;
32 (b) Administrator of the Land Registration Authority (LRA) as Member;
33 (c) Representative from the Integrated Bar of the Philippines (IBP) as
34 Member;
35 (d) Representative from a reputable College of Forestry as Member; and
36 (e) Representative from the private sector as Member.

37
38 **SECTION 15. *Powers and Functions of the Adjudication Board.*** - The
39 Board shall have the following powers and functions:

- 40 (a) Adjudicate cases on land conflicts and adverse claim before it for
41 resolution;
42 (b) Summon witnesses, administer oaths, take testimony and require
43 submission of reports;
44 (c) Compel production of books and documents and answers to
45 interrogatories; and
46 (d) Issue *subpoena duces tecum*, writs of possession, writs of execution
47 and other writs to enforce its orders and decisions.

48
49 In any proceeding before the Board, the Rules of Evidence prevailing in courts of law
50 or equity shall not be controlling and it is the spirit and intention of this Act that
51 shall govern. The Board shall use any and all reasonable means to ascertain the facts
52 in each case speedily and objectively and without regard to technicalities of law or
53 procedure, all in the interest of due process. In any proceeding before the Board, the

1 parties may be represented by legal counsel. The findings of fact of the Board shall be
2 conclusive and binding on the parties and its decision or order shall be final and
3 executory. The aggrieved party may file a petition for review by certiorari and
4 question of law with the Supreme Court within thirty (30) days from receipt of the
5 order or decision of the Board.

6
7 **SECTION 16. Appropriations.** - The Secretary of the DENR shall include in the
8 Department program the implementation of this Act, the initial funding of which shall
9 be charged against the current year's appropriations of the Department and thereafter
10 included in the annual General Appropriations Act.

11
12 Funds for the implementation of the provisions of this Act shall be supplemented also
13 from any available official development assistance (ODA) and from joint projects
14 between agencies of the Philippines and an assisting country.

15
16 Local government units may also allocate counterpart funds to be taken from their
17 internal revenue allotment (IRA) and other LGU income for the delineation of the
18 forest limits within their respective territorial jurisdictions.

19
20 **SECTION 17. Separability Clause.** - If any portion of this Act is declared
21 unconstitutional, the same shall not affect the validity and effectivity of the other
22 provisions not affected thereby.

23
24 **SECTION 18. Repealing Clause.** - All laws, decrees, letters of instruction, executive
25 orders, rules and regulations and other issuances or parts thereof inconsistent with
26 this Act are hereby repealed or modified accordingly.

27
28 **SECTION 19. Effectivity.** - This Act shall take effect fifteen (15) days after its
29 complete publication in the *Official Gazette* or in two(2) newspapers of general
30 circulation in the Philippines.

31
32 Approved,