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SENATE
S.B. No. 900

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Introduced by Senator Jinggoy Ejercito Estrada

EXPLANATORY NOTE

It is the policy of the State to protect and conserve its valuable water resources. Thus, the government has the fundamental duty of ensuring adequate and safe water supply for domestic, agricultural, industrial, and other needs of the country.

Because of the threatened depletion of our resources caused by a burgeoning population, greater exploitative activity and higher industrialization, government must renew and improve its efforts to prevent this cycle. A growing general awareness among the people has likewise prompted vigilant environmental groups and concerned individuals to seek stronger and more effective intervention by the government for improved management as well as rationalized use of these resources.

R.A 7586, or the "National Integrated Protected Areas System Act of 1992," recognizes the immense importance of watersheds and other areas classified as protected areas in the maintenance of a healthy environment. The law underscored the urgent need to protect and conserve these areas by placing them under the administration and management of the NIPAS. However, the definition and provision of penalties for specific destructive activities within these areas must be addressed by further legislation.

This proposed bill focuses on one such major destructive activity by defining the offense of illegal logging within protected areas and providing penalties for its commission. The early enactment of this bill is sought to ensure proper protection, conservation and development of our valuable water resources for the benefit of our people and of future generations.


JINGGOY EJERCITO ESTRADA
Senator

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SENATE
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Introduced by Senator Jinggoy Ejercito Estrada

**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:

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

SECTION 2. Illegal Logging In Watersheds and Other Protected Areas. – It is hereby declared unlawful for any person to cut or fell trees for any purpose whatsoever within watersheds and other protected areas.

SECTION 3. Penalties.—Violation of Section 2 hereof shall be *punished with reclusion perpetua*. No mitigating circumstances whatsoever shall be appreciated in favor of the offender.

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

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

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

SECTION 4. Suspension of Licenses. Upon the filing of the necessary information in court, the government prosecutor shall, if the offender is a corporation, partnership or other juridical person to whom a license agreement, lease permit to utilize forest resources within any forest land has been granted, forward a copy of the information to the Department of Environment and Natural Resources (DENR). Upo

receipt thereof, the DENR shall immediately cause the suspension of the license agreement, lease or permit, as the case may be, of the offender until termination of the criminal case.

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

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

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

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

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

SEC. 9. **Effectivity.** – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved