

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

'04 JUN 30 P10:03

SENATE

RECEIVED BY: 

S.B. NO. 1092

Introduced by Senator Ma. Ana Consuelo A.S. Madrigal

EXPLANATORY NOTE

Environmental degradation continues to worsen through the years. Air, water and soil pollution are assessed to be serious in many parts of the country. Solid waste production is exceeding capacities for safe disposal. An estimated 30 percent of the urban population has no potable water supply while 20 percent of the rural population has no direct access.

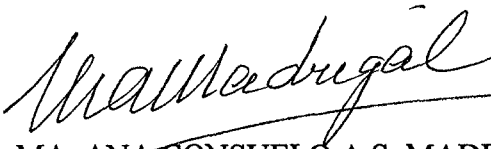
The country's total forest cover today is estimated to be no more than 18 percent of the total land area. Mangrove resources has diminished dramatically. Watershed destruction and excessive water withdrawals are combining to increase water insecurity nationwide. Biodiversity loss is in such grave proportion that the country now ranks among the world's major concerns in terms of threats to biodiversity.

The dismal state of the country's environment is best exemplified in the urban areas, where wanton disregard of the outdated land use policies and protection of tree persists.

In the United States, so-called "Green Laws" have been enacted in many states and more are being written each year. Typically, urban environmental laws or "Green Laws" are intended to (1.) establish urban tree management programs, (2.) establish new landscape plantings following construction, (3.) preserve existing natural amenities including majestic historic trees, forest lands, wetlands or unique habitats. [D.G. Abbey, "Green Laws-Trees and Landscape Ordinance," Louisiana State University]

In Singapore, there are restrictions imposed on the felling or cutting of any tree having girth of more than one meter, under its so-called "Parks and Trees Act."

This bill intends to establish an urban tree management program and ensure that natural resources in the various cities and municipalities of the country are protected, preserved and cared for through proper design, protection, installation and maintenance.


MA. ANA CONSUELO A.S. MADRIGAL

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**AN ACT
PROVIDING FOR THE PRESERVATION AND PROTECTION OF TREES IN
URBAN CITIES AND URBANIZED MUNICIPALITIES, AND FOR OTHER
PURPOSES**

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

SECTION 1. TITLE. This Act shall be known as the "Urban Tree Act of 2004"

SECTION 2. DECLARATION OF POLICY. - In conformity with the provision of the Constitution to promote the general welfare and social justice in all phases of national development, to protect and advance the right of the Filipino people to a balanced and healthy ecosystem in accordance with the rhythm and harmony of nature, and to conserve and develop the patrimony of the nation, the State hereby adopts the following policies relative to the management of forests and their resources on a sustainable basis:

SECTION 3. DEFINITION OF TERMS. - In this Act, the following is defined as follows:

- (a.) "Department" means the Department of Environment and Natural Resources
- (b.) "Felling" includes wilfull destruction by any means.
- (c.) "Occupier" means any person in actual occupation of the land, and includes the owner of the land and any person in receipt of the rents or profits thereof, and agent or trustee of an occupier of the land.
- (d.) "Plant" includes shrubs, climbers, creepers, ferns, flowers and lawn-grasses.
- (e.) "Tree conservation area" means any land designated by the Department of Environment and Natural Resources as a tree conservation area.

SECTION 4. CREATION OF AN URBAN TREE MANAGEMENT OFFICE IN THE REGIONAL OFFICES OF THE DEPARTMENT. - There is hereby created an Urban Tree Management Office (UTMO) in the regional offices of the Department. The Secretary of the Department shall appoint a Director in the said office who shall be responsible for the development, planning and implementation of an Urban Tree Management Plan for the preservation and protection of trees in their respective urban cities/municipalities that are within their jurisdiction.

SECTION 5. RESTRICTION ON FELLING OR CUTTING OF ANY TREE. - Subject to the provisions of this Act and the appropriate implementing rules and regulations therein, no person shall, without the written permission of the UTMO, fell or cut any tree with a girth exceeding one metre growing on any private or public land or such other land that the UTMO shall designate as a tree conservation area, unless the felling or cutting is for the prevention of imminent danger. Before the said office may release its written permission therein, the appropriate proceedings and environmental impact study shall be made to determine the merits of all applications on the cutting and felling of tree.

SECTION 6. NOTICE TO PLANT OR REPLANT TREES. - For purposes of preserving or enhancing the amenity of any vacant land, or land on which a new street is to be made, or adjoining on or near to a public street, the UTMO may serve on the occupier of that land requiring him, within such a period as may be determined by the said office to:

- (a.) To plant or replant any tree and plant of such size and species and at such as may be so specified and to provide for their maintenance and protection;
- (b.) To clear the lands or cut the grass;
- (c.) To take such other measures as are reasonably necessary for such purpose.

The occupier of the said land, on whom said notice has been served, may appeal to the UTMO in the manner to be prescribed therein for exemption, on the following grounds:

- (a.) The planting or replanting of trees and plants in accordance with the said notice is not required in the interest of the amenity and in the best interest of its inhabitants; and
- (b.) The place on which the trees and plants are required to be planted is unsuitable for the purpose.

SECTION 7. TREES AND PLANTS UNDER SECTION 4 and 5, NOT TO BE DAMAGED OR REMOVED. - No person shall willfully damage, destroy or remove a tree or plant which has been planted under sections 4 and 5 of this Act, without the written permission of the UTMO

SECTION 8. TREE CONSERVATION AREA. - The UTMO in direct consultation with the concerned local government and residents' association, if any, shall have authority to designate places within their respective jurisdiction as "tree conservation areas," subject to such guidelines as may be developed therein.

SECTION 9. APPLICATION FOR WRITTEN PERMISSION TO FELL OR CUT TREES. - Any application for written permission to fell or cut any tree in any private or public land shall be made to the UTMO in the prescribed manner by such person having such estate or interest in the land on which a tree is growing.

The UTMO may, if it appears to him to be in the best interest of the other residents of the area, refuse to grant permission to fell or cut the trees, subject to such conditions as he thinks fit.

Any person who is aggrieved by a decision of the UTMO may within fifteen (15) days from receipt of notice of decision, appeal to the Secretary of the Department, in such manner to be prescribed therein in the implementing rules and regulations.

SECTION 10. PENALTIES. - Violation of any provision of this Act shall be punishable with a fine of not less than One Hundred Thousand Pesos (Php 100,000.00) but not more than One Hundred Fifty Thousand Pesos (Php 150,000.00) or imprisonment of not less than six months but not more than one year or both at the discretion of the Court.

SECTION 11. IMPLEMENTING RULES AND REGULATIONS. - The Department shall within sixty (60) days from approval of this Act issue the appropriate implementing rules and regulations to implement the provisions of the same, in direct and open consultation with the concerned local governments, other agencies of government and other private individuals.

SECTION 12. REPEALING CLAUSE. - All laws, decrees, executive orders, rules and regulations or parts thereof not consistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. EFFECTIVITY CLAUSE. - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,