


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

Office of the Secretary

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SENATE

S. No. 861

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Introduced by Senator Ralph G. Recto

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

**Explanatory Note**

The 1987 Constitution provides that Congress shall determine by law the specific limits of forest lands and national parks, which shall thereafter be conserved and may not be increased nor diminished.

According to latest government statistics, half of the country's total land area or roughly 15.05 million hectares is classified as forest land. Lands classified under forest land are further disaggregated into different categories, such that only 3.27 million hectares out of the 15.05 million hectares are classified as forest reserves. However, the lack of demarcation separating the lands classified as forest reserves from other classes may have resulted to an inaccurate picture as to the actual size of the country's forest lands, as some may have been encroached by various adjacent land developments or have been reclassified due to existing laws.

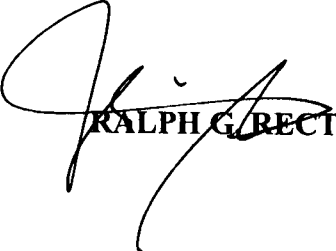
In order to mitigate further encroachment, the Department of Environment and Natural Resources (DENR), as of August 2012, has completed the delineation and assessment of 79,245 kilometers of forest lines (excluding the Autonomous Region of Muslim Mindanao) for submission to the National Assessment and Delineation Committee.

However, in order to strengthen DENR's efforts in the delineation and assessment of the country's forest lands, an enabling law is necessary to provide a legal framework to preserve the remaining forest resources, protect, manage and utilize these lands for purposes consistent with sustainable development. With the threat of further encroachment over remaining forest lands at hand, it is imperative for government to secure forest lands from further ruin due in part to uncontrolled development and urban expansion.

This measure seeks to define the scope of forestlands, as well as provide guidelines in determining the specific limits of forestlands. For this purpose, a National Review and Evaluation Committee, headed by the Secretary of Environment and Natural Resources, shall be created to process, evaluate and approve all completed assessment and delineation reports referred to the said Committee. The DENR shall, upon determination of final forest lines, delimit and establish boundary monuments on the ground. Forestlands delineated under this legislation shall be conserved and may not be increased nor decreased, except by law.

In order to resolve controversies arising from land classification as a result of the delimitation of forestlands, a Land Classification Conflict Adjudication Board shall also be created under this Bill.

To attain ecological balance, preserve valuable ecosystems, prevent environmental degradation and promote sustainable development, approval of this Bill is earnestly sought.



RALPH G. RECTO



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SENATE

S. No. 861

RECEIVED BY:

Introduced by Senator Ralph G. Recto

**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 Representative of the Philippines in Congress assembled:*

1           **SECTION 1. Short Title.** – This Act shall be known as the "Forest Lands Limits Act of  
2 2016".

3           **SEC. 2. Declaration of Policy.** – It is the policy of the State to conserve, protect and  
4 develop the forest resources of the country in order to attain ecological balance, preserve  
5 valuable ecosystems, prevent environmental degradation and promote sustainable development  
6 for the present and future generations. To achieve these ends, the specific limits of forest lands  
7 and national parks shall be determined by law and their boundaries marked clearly on the  
8 ground.

9           **SEC. 3. Definition of Terms.** – For purposes of this Act, the following terms shall mean:

10           (a) "Agricultural lands" shall refer to alienable or disposable lands of the public domain  
11 which have been the subject of the land classification system and declared as not needed for  
12 forest purposes;

13           (b) "Delineation" shall refer to the conduct of site investigation, field reconnaissance and  
14 assessment, and staking of boundaries between forest lands, national parks and agricultural lands  
15 verified in the field in accordance with the criteria set forth under Department of Environment  
16 and Natural Resources (DENR) Administrative Order No. 2008-24;

17           (c) "Demarcation and delimitation survey" shall refer to the establishment of permanent  
18 boundary monuments of forest land through ground survey in accordance with existing standards  
19 and practices;

20           (d) "Forest lands" shall include the public forests, the permanent forest or forest  
21 reserves, and forest reservations;

22           (e) "Forest reservations" shall refer to forest lands which have been reserved by the  
23 President of the Philippines for any specific purpose or purposes;

1 (f) "*Permanent forest*" or "*Forest reserve*" shall refer to those lands of the public  
2 domain which have been the subject of the present system of classification and determined to be  
3 needed for forest purposes;

4 (g) "*Production forest lands*" shall refer to a forest lands available for timber and agro-  
5 forestry production, range lands for grazing, and other forest lands special uses;

6 (h) "*Protected area*" shall refer to identified portions of land and water set aside by  
7 reason of their unique physical and biological significance, managed to enhance biological  
8 diversity and protected against destructive human exploitation;

9 (i) "*Protection forest lands*" shall refer to all areas within the forest lands devoted  
10 primarily for the protection and conservation of forest resources to ensure environmental  
11 stability, conservation of biological diversity, improvement of ecosystem functions and services,  
12 and provision of ecological and economic benefits. All mossy and primary/old growth forests  
13 and natural beach; key biodiversity areas; areas regardless of slope and vegetation cover which  
14 are highly erodible or too rocky for establishment of production forests; areas developed for the  
15 principal objectives of establishing vegetative cover to prevent erosion, conserve water and  
16 nurture wildlife; freshwater bodies, swamps, and marshes; all areas along the bank of the rivers  
17 and streams; and the shores of the seas and lakes throughout their entire length and within the  
18 zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas, and forty (40)  
19 meters in forest areas, along their margin which are subject to the easement of public use in the  
20 interest of recreation settlements, navigation, floatage, fishing and salvage, shall also be sub-  
21 classified as protection forest lands: *Provided*, That the provisions of Republic Act No. 8371 or  
22 the Indigenous Peoples Rights Act (IPRA) of 1997 and Republic Act No. 7586 or the National  
23 Integrated Protected Areas System (NIPAS) Act of 1992 shall be respected;

24 (j) "*Public forest*" shall refer to the mass of lands of the public domain which has not  
25 been the subject of the present system of classification for the determination of which lands are  
26 needed for forest purposes and which are not; and

27 (k) "*Tenured migrant communities*" shall refer to communities within forest lands which  
28 have actually and continuously occupied such areas for five (5) years before the designation of  
29 the same as forest lands in accordance with this Act and are solely dependent therein for  
30 subsistence.

31 **SEC. 4. *What Constitutes the Forest Lands.*** – The following shall constitute the  
32 forest lands, to wit:

33 (a) all lands of the public domain already classified as forest land as per existing land  
34 classification maps issued by the DENR;

35 (b) all permanent forest reserves proclaimed as such by the President or declared by law;  
36 and

37 (c) such areas within the unclassified lands of the public domain that were assessed and

1 delineated by the DENR in accordance with pertinent laws, rules and regulations and which may  
2 hereafter be classified as forest land by the DENR.

3 **SEC. 5. Guidelines in Determining the Specific Limits of Forest Lands.** – The following  
4 guidelines and procedures shall be followed in determining the specific limits of forest lands in  
5 the country:

6 (a) The previously - established Land Classification (LC) survey lines per province with  
7 their respective technical descriptions (TDs) and maps shall be the basic data and information  
8 that will be used as reference material in undertaking the validation, assessment and delineation  
9 process;

10 (b) All completed assessment and delineation reports for a given province shall be  
11 endorsed to the National Review and Evaluation Committee as created herein to be headed by  
12 the Secretary of the DENR for final approval; and

13 (c) The same process shall be followed for other provinces with on-going assessments  
14 and delineation activities until such time that all the boundaries of forest lands of the whole  
15 country shall have been delimited: *Provided*, That all assessments, validations and delineations  
16 shall be completed not later than one (1) year after the passage of this Act.

17 **SEC. 6. National Review and Evaluation Committee.** – A National Review and  
18 Evaluation Committee is hereby created to process, evaluate, and approve all completed  
19 assessment and delineation reports referred to in Section 5 of this Act. The Committee, in its  
20 evaluation and approval of the said reports, shall adhere strictly to existing established laws,  
21 policies, rules, regulations and guidelines pertinent thereto.

22 The Committee shall be composed of the following:

23 (a) Secretary of the DENR as Chairperson;

24 (b) Secretary for Socioeconomic Planning and Director - General of the National  
25 Economic and Development Authority (NEDA) as Vice-Chairperson;

26 (c) Secretary of the Department of the Interior and Local Government (DILG) as  
27 Member;

28 (d) Secretary of the Department of Agriculture (DA) as Member;

29 (e) Secretary of the Department of Agrarian Reform (DAR) as Member;

30 (f) Chairperson of the Housing and Urban Development Coordinating Council (HUDCC)  
31 as Member;

32 (g) Chief Executive Officer and Commissioner of the Housing and Land Use Regulatory  
33 Board (HLURB) as Member;

34 (h) Chairperson of the National Commission on Indigenous Peoples (NCIP) as Member;  
35 and

36 (i) President of the League of Provinces of the Philippines as Member.

37 Upon approval of the assessment and delineation reports, the Committee shall submit the  
38 same to Congress to form part of its official records. The assessment and delineation reports as

1 approved by the Committee shall be adopted as constituting the final boundaries of the forest  
2 lands covered by the said report.

3 The National Review and Evaluation Committee shall be assisted by the Forest  
4 Management Bureau (FMB) of the DENR in the process, evaluation and review of all completed  
5 assessment and delineation reports referred to in the preceding section. The FMB staff shall  
6 serve in the National Review and Evaluation Committee without compensation but may be  
7 reimbursed for basic expenses in the preparation of the assessment and delineation reports.

8 **SEC. 7. Demarcation and Delimitation of Forest Land Boundary.** – Immediately after  
9 the forest line has been determined following the guidelines prescribed in Section 5 hereof, the  
10 DENR shall delimit and establish the permanent boundary monuments on the ground.

11 **SEC. 8. Permanency of the Specific Forest Lands Limits.** – The permanent forest lands  
12 established pursuant to this Act shall not be diminished or reduced except by an Act of Congress.  
13 The DENR, in coordination with all agencies and branches of government, shall ensure that the  
14 forest cover and vegetation therein shall be protected, preserved and enhanced.

15 **SEC. 9. Sub-classification of the Permanent Forest Lands.** – The permanent forest lands  
16 shall be further sub-classified as follows: (a) protection forest lands; and (b) production forest  
17 lands.

18 After due consultation with the local government units (LGUs) concerned, tenured  
19 migrant communities, and other stakeholders, the DENR shall undertake the sub-classification of  
20 the permanent forest lands.

21 Cutting and mining shall be banned in the protection forest lands.

22 **SEC. 10. Recognition of the Rights of the Indigenous Cultural Communities/Indigenous**  
23 **Peoples and Tenured Migrant Communities.** – In the ground delineation of the permanent forest  
24 land limits, the occupation by indigenous cultural communities/indigenous peoples and tenured  
25 migrant communities shall be recognized and respected, consistent with the provisions of  
26 Republic Act No. 7160 or the Local Government Code of 1991, Republic Act No. 8371 or the  
27 Indigenous Peoples Rights Act (IPRA) of 1997, and Presidential Decree No. 705, as amended, or  
28 the Forestry Code of 1975.

29 **SEC. 11. Accessibility of Record to the Public.** – All records and information pertaining  
30 to the specific forest lands limits delineated pursuant to this Act shall be made available to the  
31 general public.

32 **SEC. 12. Creation of the Adjudication Board to Resolve Controversies on Land**  
33 **Classification Conflicts** – A Land Classification Conflict Adjudication Board, herein referred to  
34 as the Board, is hereby created to resolve controversies arising from land classification as a result  
35 of the delimitation of forest lands pursuant to this Act. The Board shall be composed of the  
36 following:

- 37 (a) Secretary of the Department of Justice (DOJ) as Chairperson;  
38 (b) Administrator of the Land Registration Authority as Member;

- 1 (c) Representative from the Integrated Bar of the Philippines (IBP) as Member;
- 2 (d) Representative from a reputable College of Forestry as Member; and
- 3 (e) Representative from the private sector as Member.

4 **SEC. 13. Powers and Functions of the Adjudication Board.** – The Board shall have the  
5 following powers and functions:

- 6 1. Resolve controversies arising from land classification as a result of the delimitation of  
7 forest lands pursuant to this Act;
- 8 2. Summon witnesses, administer oaths, take testimony and require submission of reports;
- 9 3. Compel production of books and documents and answers to interrogatories; and
- 10 4. Issue subpoena *duces tecum*, writs of possession, writs of execution and other writs to  
11 enforce its orders and decisions.

12 In any proceeding before the Board, the Rules of Evidence prevailing in courts of law or  
13 equity shall not be controlling and it is the spirit and intention of this Act that shall govern. The  
14 Board shall use any and all reasonable means to ascertain the facts in each case speedily and  
15 objectively and without regard to technicalities of law or procedure, in the interest of due  
16 process. In any proceeding before the Board, the parties may be represented by legal counsel.

17 The findings of fact of the Board shall be conclusive and binding on the parties and its  
18 decision or order shall be final and executory.

19 A petition for review by *certiorari* and question of law may be filed by the aggrieved  
20 party with the Supreme Court within thirty (30) days from receipt of the order or decision of the  
21 Board.

22 **SEC. 14. Monitoring, Evaluation and Reporting System.** – To attain the objectives of this  
23 Act, a field monitoring, evaluation and reporting system shall be adopted by the DENR to  
24 regularly keep track of the state of the country's forest lands after their delimitation. Toward this  
25 end, at the opening of each Session of Congress, the DENR shall submit a report to the President  
26 on the status of the forestlands for transmission to Congress.

27 **Sec. 15. Appropriations.** – The Secretary of the DENR shall include in the Department's  
28 budget program the funds necessary for the implementation of this Act, the initial funding of  
29 which shall be charged against the current year's appropriations of the Department and thereafter  
30 included by the Department of Budget and Management in the annual General Appropriations  
31 Act (GAA).

32 Funds for the implementation of the provisions of this Act shall be supplemented also by  
33 any available Official Development Assistance (ODA) and from joint projects between agencies  
34 of the Philippines and an assisting country.

35 LGUs shall also allocate counterpart funds to be taken from their Internal Revenue  
36 Allotment (IRA) and other LGU income for the delineation of the forest lands within their  
37 respective territorial jurisdictions.

1           **SEC. 16. *Implementing Rules and Regulations.*** – Within ninety (90) days from the  
2 effectivity of this Act, the Secretary of the DENR shall issue the corresponding implementing  
3 rules and regulations for the effective implementation of this Act.

4           **SEC. 17. *Separability Clause.*** – If any portion of this Act is declared unconstitutional,  
5 the same shall not affect the validity and effectivity of the other provisions not affected thereby.

6           **SEC. 18. *Repealing Clause.*** – All laws, decrees, letters of instruction, executive orders,  
7 rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby  
8 repealed or modified accordingly.

9           **SEC. 19. *Effectivity.*** – This Act shall take effect fifteen (15) days after its complete  
10 publication in the Official Gazette or in two (2) newspapers of general circulation in the  
11 Philippines.

Approved,