


13th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL -6 11:41

SENATE

RECEIVED BY: 

S. BILL NO. **1378**

Introduced by Senator Ralph G. Recto

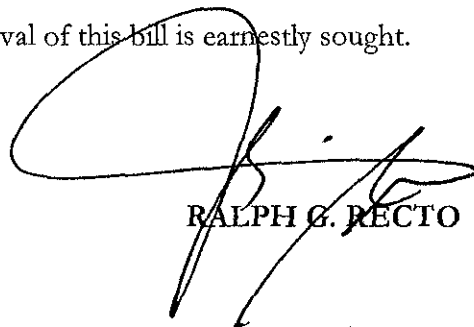
Explanatory Note

The Department of Environment and Natural Resources (DENR) issued a Memorandum Order dated August 18, 1998 mandating the Natural Resources Development Corporation (NRDC), the marketing arm of the DENR, to conduct public bidding on all confiscated forest and mineral products donated to it by the DENR. Memorandum Order No. 36, Series of 1988, issued by the same Department prohibits persons from whom the forest products were confiscated from participating in the NRDC-sponsored public bidding. However, this prohibition is often blatantly ignored. Illegal loggers are able to bid and obtain the timber and other forest products originally confiscated from them.

This bill seeks to correct this anomalous situation by prohibiting the DENR and the NRDC from conducting a public auction on all seized and confiscated illegally cut, gathered, removed, and possessed logs, timber, flitches and other forest products. Instead, these should be apportioned to the local government unit (LGU) with jurisdiction over the origin or area where these were confiscated. This scheme is proposed in order to benefit the LGU's respective communities by identifying the priority projects where the logs/lumber shall be used. These will be distributed according to priority, enhancing the delivery of education, housing and infrastructure projects in the territorial jurisdiction of the LGU concerned.

Thus, this system will not only motivate LGUs to participate more vigorously in the anti-illegal campaign of the government but will also help ease the problem of securing lumber for infrastructure projects faced by many LGUs.

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


RALPH G. RECTO

13th CONGRESS OF THE REPUBLIC)
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S. BILL NO. 1378

Introduced by Senator Ralph G. Recto

AN ACT

PROVIDING FOR A SYSTEM OF DISPOSITION OF SEIZED/CONFISCATED ILLEGALLY CUT, GATHERED, REMOVED, AND POSSESSED LOGS, LUMBER, FLITCHES AND OTHER FOREST PRODUCTS AND FOR OTHER PURPOSES

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

1 SECTION 1. *Declaration of Policy.* – It is the policy of the State to make sound
2 decisions with respect to the utilization and conservation of natural resources to prevent
3 environmental degradation and sustain for this and succeeding generations the natural
4 wealth of the nation and to ensure that the country's natural resources are harnessed to their
5 full potential.

6 SEC. 2. *Coverage.* – This Act shall apply to all seized/confiscated illegally cut,
7 gathered, removed, and possessed logs, lumber, flitches and other forest products or those
8 found abandoned within forest areas or elsewhere.

9 SEC. 3. *Prohibition of Auctioning Seized/Confiscated Illegally Cut, Gathered, Removed, or*
10 *Possessed Logs, Lumber, Flitches and Other Forest Products.* – The public auction by the
11 Department of Environment and Natural Resources (DENR) through the Natural
12 Resources Development Corporation (NRDC) of seized/confiscated illegally cut, gathered,
13 removed, or possessed logs, lumber, flitches and other forest products is hereby prohibited.

14 SEC. 4. *Disposition and Use of Confiscated Forest Products.* – The DENR shall dispose
15 and apportion the seized/confiscated illegally cut, gathered, removed, and possessed logs,
16 lumber, flitches and other forest products in the following manner:

17 (a) Fifty Percent (50%) of the total volume shall accrue, share and share
18 alike, to the province, municipality or component city having jurisdiction
19 over the area of origin of such products: *Provided, however,* That the whole

1 fifty percent (50%) shall accrue to the independent city having
2 jurisdiction over the area of origin;

3 (b) Twenty-five percent (25%) of the total volume shall accrue to the
4 municipality or city where the forest products were seized/confiscated;

5 (c) Twenty-five percent (25%) of the total volume shall be donated to
6 neighboring provinces, cities or municipalities within the region which
7 have no such resource.

8 Only such provinces, cities or municipalities that have no record of any infraction of
9 environmental laws, rules or regulations shall benefit from this Act.

10 Seized/confiscated or illegally cut, gathered, removed, and possessed logs, lumber,
11 fitches, and other forest products that are subject of a pending litigation may be disposed of:
12 *Provided*, That the appropriate bond shall be deposited with the court having jurisdiction over
13 the subject of the litigation.

14 Said forest products shall be exclusively used by the recipient local government unit
15 (LGU) in the following order of priority:

- 16 (1) for the use of state colleges and universities;
- 17 (2) for the use of other public schools;
- 18 (3) for socialized housing;
- 19 (4) for the construction and rehabilitation of provincial/city and municipal
20 bridges; and
- 21 (5) for other infrastructure projects.

22 **SEC. 5. *Effect of Violation.*** -- (a) Any public auction of these confiscated products
23 made in violation hereof shall be null and void and all acts made pursuant thereto on any
24 right or benefit derived or arising therefrom shall be without any force and effect;

25 (b) Any person violating this Act shall, upon conviction be punished by a fine of not
26 less than Ten thousand pesos (P10,000.00) nor more than One hundred thousand pesos
27 (P100,000.00) or imprisonment from six (6) months and one (1) day to six (6) years or both
28 such fine and imprisonment at the discretion of the Court;

29 (c) If the act or omission penalized by this Act be committed by an association,

1 partnership, corporation, or any other institution, its managing directors, partners, president,
2 general manager, or other persons responsible for the commission of said act shall be liable
3 for the penalties provided for in this Act;

4 (d) If the offender is a public officer or employee, he shall be additionally dismissed
5 from the service with prejudice to reinstatement and shall be disqualified from holding any
6 elective or appointive office.

7 **SEC. 6. *Implementing Rules and Regulations.*** – The DENR Secretary shall promulgate
8 the necessary implementing rules and regulations and shall mobilize all available resources to
9 assure the effective implementation of this Act.

10 **SEC. 7. *Separability Clause.*** – If, for any reason or reasons, any part or provision of
11 this Act shall be held to be unconstitutional or invalid, the other parts or provisions hereof
12 which are not affected thereby shall continue to be in full force and effect.

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

16 **SEC. 9. *Effectivity.*** – This Act shall take effect upon its approval.

Approved,