

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

'04 DEC -6 P4:23

SENATE

RECEIVED BY: _____

1870

Senate Bill No. _____

Introduced by Senators Madrigal and Lim

EXPLANATORY NOTE

The Philippines' deforestation problem haunts the national conscience: out of almost 16 million hectares of frontier forest lands, less than 4.5 million hectares are adequately covered, 9.5 million hectares remain denuded, and rate of deforestation continues to hover around 100,000 hectares each year. It is therefore to no surprise that the Philippines ranks as one of the 11 poorest amongst the 89 countries in the tropics in terms of forest conservation.

Though massive nationwide reforestation campaigns, amounting to billions of pesos or the equivalent, has been undertaken by members and/or organizations from both private and public sectors for quite some time, such well meaning efforts have been stymied due to various reasons amongst which are, but not limited to, the low survival rate of the seedlings planted itself.

Based on assessments conducted by various experts, the most commonly identified cause of our forests' sorry condition is the logging concessionaires that have continuously been allowed to operate in various areas of our country. To make things worse, the logging concessionaire's operations more often than not, end up gravely devastating the areas they operated in and causes the dislocation of the Indigenous Cultural Communities residing therein.

In reports published by international organizations such as Forest Trends International and Global Forest Watch, it would even appear that the aforementioned data pertaining to our remaining frontier forest lands are over-optimistic estimates. In the satellite photos submitted with the said reports, no frontier forests could be identified.

It must not be forgotten that Article II Section 16 of the 1987 Constitution provides that each and every Filipino, with no distinction as to age, sex, race or creed, all do possess the right to a "balanced and healthful ecology." Recalling Supreme Court Chief Justice Davide's words in a case he penned, this right "belongs to a different category of rights...that predate all governments and Constitution." Apropos thereto, it "*xxx...carries with it the correlative duty to refrain from impairing the environment.*"

In light of the tragedies that occurred during the fateful days of 22 November 2004, 27 November 2004, and 3 December 2004 where a total of 1000 innocent lives were either needlessly taken or displaced, beyond contestation is the fact that the time of reckoning he have always feared to arrive is now at hand.

Given the urgency of establishing counter-measures to deforestation, denudation and environment destruction which leads to death and destruction, we earnestly seek the immediate approval of this bill.

M.A. Madrigal

M.A. MADRIGAL

A.L.

ALFREDO LIM

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

'04 DEC -6 P4:23

SENATE

RECEIVED BY:

Senate Bill No. 1870

Introduced by Senators Madrigal and Lim

AN ACT
TO ESTABLISH A BAN ON ALL LOGGING OPERATIONS IN THE
COUNTRY TO ENSURE THE PROTECTION, PRESERVATION AND
REHABILITATION OF THE PHILIPPINE'S ENVIRONMENT, PROVIDING
FOR CITIZEN'S RIGHTS AND THE APPROPRIATE PENALTIES FOR
VIOLATIONS OF THIS ACT

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

SECTION 1. *Title* – The Act shall be known as the “National Log Ban of 2004.”

SEC. 2. *Declaration of Policy*. – It is a declared policy of the State to protect and advance the right of the people to a balanced and healthful ecology through the protection, preservation, and rehabilitation of our country's forests. The State also recognizes that more severe penalties must be imposed on violators so as to achieve the goals of this Act. Further, the State likewise recognizes that the private sector plays an indispensable role to ensure the protection and rehabilitation of our nation's forests.

SEC. 3. *Coverage*. – This Act shall cover all trees within the territorial jurisdiction of the Republic of the Philippines, whether the said lands be public or private.

SEC. 4. *Prohibited Acts*. It shall be unlawful for any person to cut, fell or destroy any tree standing on any forest, timber land, forest reserve or watershed within the next thirty (30) years from the approval of this Act. This prohibition shall not apply to trees grown in legitimate commercial tree farms.

Section 5. *Penalties.* Any person who violates this Act shall be punished by *reclusion perpetua*.

Any juridical entity that violates this Act shall forfeit its license or permit to do business in the Philippines. In addition, it shall be made to pay a fine of not less than One Million (P1,000,000.00) Pesos but not more than Five Million (P 5,000,000.00) Pesos of the discretion of the court. The Members of the Board of Directors, Chairman and/or the Chief Executive Officer or any other officer of the company responsible for the violation of this law shall be imprisoned for a period of not less than twelve (12) years but not more than twenty (20) years also at the discretion of the court. Aliens who violate this law shall be summarily deported after their sentences shall have been served.

Any public officer who fails to enforce the provisions of this Act, or tolerates, participates in through whatever degree in the consummation of acts prohibited in shall suffer the corresponding penalty of *reclusion perpetua* and perpetual disqualification from office.

The corresponding penalty of *death* shall be imposed if by reason of the cutting, felling, or destroying of any tree standing on forest, timber land, forest reserve or watershed, death results. The penalty of death shall also be imposed if the offense is committed by a syndicate. The offense is considered committed by a syndicate if it is planned or carried out by a group of three (3) or more persons.

Section 6. *Citizen's Action Suit.* For purposes of enforcing the provisions of this Act or its Implementing Rules and Regulations, any citizen may file an appropriate action in the proper court against:

- a.) Any person who violates or fails to comply with the provisions of this Act or the Implementing Rules and Regulations;
- b.) The Department or other Implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act.
- c.) Any public officer who willfully or grossly neglects the performance of any act specifically enjoined as a duty by this Act or its Implementing Rules

and Regulations; or abuses his authority in the performance of his duty; or in any manner, improperly performs his duties under this Act or its Implementing Rules and Regulations.

The appropriate Court shall exempt such action from payment of filing fees.

Section 7. *Implementing Rules.* – The Secretary of the Department of Environment and Natural Resources shall promulgate the appropriate rules and regulations to carry out the provisions of this Act: *Provided,* That the effectivity of such rules which the Secretary of the Department of Environment and Natural Resources shall promulgate shall be subject to the approval of Congress.

Section 8. *Independence of Action.* The filing of an administrative action against any public officer who violates the provisions of this Act does not preclude the filing of a separate action in a court of law.

Section 9. *Construction of this Act.* – In the construction and application of the provisions of this Act and its implementing rules, the interpretation that would be beneficial or favorable to the purpose of this act to prohibit logging operations shall be adopted.

Section 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, policies, programs or parts thereof, that are inconsistent with any of the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 11. *Separability Clause.* – If for any reason, any section or provisions of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof, which are not affected hereby, shall continue in full force and effect.

Section 12. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,