


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

'22 JUL 12 P4:53

**SENATE**

S.B. No. 413

RECEIVED 

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT  
TO ESTABLISH THE FOREST CADASTRE, PROVIDING FOR ITS  
PROCEDURES, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Section 16, Article II of the 1987 Constitution provides that, *"the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."*

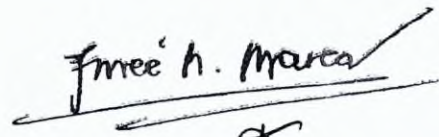
The Philippines has a total land area of 30 million hectares, of which 14.2 million hectares are classified as alienable and disposable lands while 15.8 million hectares are classified as forest lands. Formal recording and public access on information on lands through a cadastre is limited only to the alienable and disposable lands. Information on forest lands is not formally recorded in a public registry, making it hardly accessible. Tenorial instruments and other forms of agreements or contracts in forest lands are neither registered, systematically surveyed, nor parcelized, making them difficult to verify and subject to unnecessary vetting.

A critical factor in the success of sustainable forest management in the Philippines is well-defined and secured property rights. The forest cadastre aims to establish an appropriate administration system for forest lands to formally delineate and recording rights, land values, suitable land use, and other land-related information. This will guarantee the right and security of tenure, provide security for credit, reduce land disputes, and ensure protection and sustainable management of forest lands and the resources therein. It shall also facilitate and accelerate the

settlement of claims and conflicts and provide economic data relevant to planning and development in forest lands.

The purpose of this Act is to strengthen tenure security and rights in forest lands by establishing a Forest Cadastre that would be integrated into the existing National Land Cadastre System. This is expected to contribute to the government's goal of effective, efficient, and sustainable management of forest lands.

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

  
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IMEE R. MARCOS

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**TO ESTABLISH THE FOREST CADASTRE, PROVIDING FOR ITS**  
**PROCEDURES, AND FOR OTHER PURPOSES**

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

1        **SECTION 1. Short Title.** – This Act shall be known as the "*Forest Land*  
2        *Cadastral Act.*"

3  
4        **SEC. 2. Declaration of Policy.** – It is the policy of the State to preserve,  
5        conserve, and sustainably develop and manage the country's forest lands to contribute  
6        to the development of the national wealth and to provide the current needs of the  
7        country, as well as, that of future generations. Further, it is also the declared policy  
8        of the State to create a complete cadastral system that includes all classifications of  
9        lands and the tenures or titles issued thereat.

10  
11        **SEC. 3. Definition of Terms.** – The following shall be defined in this Act, as  
12        follows:

- 13        a) *Agricultural Lands* – refer to alienable and disposable lands of the public  
14        domain which have been the subject of the land classification system and  
15        declared as not needed for forest purposes.
- 16        b) *Ancestral Domain* – refers to all areas generally belonging to indigenous  
17        cultural communities (ICCs) and/or indigenous peoples (IPs) comprising  
18        lands, inland waters, coastal areas, and natural resources therein, held  
19        under a claim of ownership, occupied or possessed by ICCs/IPs, by  
20        themselves or through their ancestors, communally or individually since  
21        time immemorial, continuously to the present except when interrupted by  
22        war, force majeure or displacement by force, deceit, stealth or as a  
23        consequence of government projects or any other voluntary dealings  
24        entered into by government and private individuals/corporations, and which

1 are necessary to ensure their economic, social and cultural welfare. It shall  
2 include ancestral lands, forests, pasture, residential, agricultural, and other  
3 lands individually owned whether alienable and disposable or otherwise,  
4 hunting grounds, burial grounds, worship areas, bodies of water, mineral  
5 and other natural resources, and lands which may no longer be exclusively  
6 occupied by ICCs/IPs but from which they traditionally had access to for  
7 their subsistence and traditional activities, particularly the home ranges of  
8 ICCs/IPs who are still nomadic and/or shifting cultivators.

- 9 c) *Ancestral Lands* – refer to land occupied, possessed and utilized by  
10 individuals, families and clans who are members of the ICCs/IPs since time  
11 immemorial, by themselves or through their predecessors-in-interest,  
12 under claims of individual or traditional group ownership, continuously, to  
13 the present except when interrupted by war, force majeure or displacement  
14 by force, deceit, stealth, or as a consequence of government projects and  
15 other voluntary dealings entered into by government and private  
16 individuals/corporations, including, but not limited to, residential lots, rice  
17 terraces or paddies, private forests, swidden farms and tree lots.
- 18 d) *Delineation* – refers to the conduct of site investigation, field  
19 reconnaissance and assessment, and staking of boundaries among forest  
20 lands, national parks/protected areas, mineral lands and agricultural lands  
21 verified in the field in accordance with the criteria set forth under the  
22 existing rules and regulations of the DENR.
- 23 e) *Forest Block* – is an area of contiguous forest land measuring fifteen (15)  
24 seconds of latitude and fifteen (15) seconds of longitude at approximately  
25 20.7 hectares per block.
- 26 f) *Forest Cadastre* – is a registry containing official, legal documentation  
27 concerning the quantity, dimension, location, value, existing tenure, and  
28 other information unique for the forest land parcel.
- 29 g) *Forest Compartment* – is the basic territorial unit of measurement  
30 permanently defined for the purpose of location, description, and record,  
31 and as a basis for forest management.
- 32 h) *Forest Land* – includes the public forest, the permanent forest or forest  
33 reserves, forest reservations, and all other lands not classified as  
34 agricultural lands, mineral lands, and national parks.
- 35 i) *Mineral Land* – means any area where mineral resources are found.
- 36 j) *National Park* – refers to a forest reservation essentially of natural  
37 wilderness character which has been withdrawn from settlement,  
38 occupancy or any form of exploitation except in conformity with approved  
39 management plan and set aside as such exclusively to conserve the area  
40 or preserve the scenery, the natural and historic objects, wild animals and  
41 plants therein and to provide enjoyment of these features in such areas.
- 42 k) *Protected Area* – refers to identified portions of land and/or water set aside

1 by reason of their unique physical and biological significance, managed to  
2 enhance biological diversity and protected against destructive human  
3 exploitation.  
4

5 **SEC. 4. *Forest Land Delineation.*** – The delineation of forest lands, as completed  
6 by the Department of Environment and Natural Resources (DENR) and submitted to  
7 Congress, is hereby adopted. Provided that, all vested rights prior to delineation within  
8 forest lands are recognized. Forest lands categorized as public forest lands shall not  
9 be reclassified, except through an Act of Congress.  
10

11 **SEC. 5. *Establishment of the Forest Cadastre.*** – The DENR shall develop, install,  
12 maintain, and update regularly a system of mapping of all forest tenurial instruments  
13 and agreements issued by the DENR in all forest lands.  
14

15 Such system shall reflect all existing tenure agreements and shall show  
16 graphically said tenures. Untenured forest lands shall also be reflected and shown  
17 graphically in order to complete the tenure mapping of municipalities and cities.  
18 Provided that, an inventory of all tenure instruments shall be kept in the system.

19 **SEC. 6. *Identification of Forest Blocks and Compartments.*** – The DENR shall  
20 divide the identified forest lands, protected areas, national parks, and mineral lands  
21 into forest blocks for a more efficient resource management. The size of forest  
22 compartments shall be determined by the DENR.  
23

24 **SEC. 7. *National Parks and Protected Areas.*** – All protected areas and national  
25 parks in non-agricultural or inalienable lands shall be included in the cadastre. Existing  
26 surveys covering areas under the R.A. No. 7586 otherwise known as the "*National  
27 Integrated Protected Area Systems (NIPAS) Act of 1992*" and the R.A. No. 11038  
28 otherwise known as the "*Expanded National Integrated Protected Area Systems Act  
29 of 2017*" shall be included in the cadastre.  
30

31 **SEC. 8. *Mineral Lands.*** – All mineral lands in non-agricultural or inalienable  
32 lands shall be included in the cadastre. Existing surveys covering areas under R.A. No.  
33 7076 otherwise known as the "*People's Small-scale Mining Act of 1991*" and R.A. No.  
34 7942 otherwise known as the "*Philippine Mining Act of 1995*" shall be included in the  
35 cadastre.  
36

37 **SEC. 9. *Proclamations and Reservations.*** – All existing proclamations and  
38 reservations within forest lands that are not included in the NIPAS Act of 1992, E-  
39 NIPAS Act of 2017, People's Small-scale Mining Act of 1991, and the Philippine Mining  
40 Act of 1995 shall be included in the cadastre.  
41

42 **SEC. 10. *Ancestral Domains and Ancestral Lands.*** – All surveys covering areas

1 under the R.A. No. 8371 otherwise known as the "*Indigenous People's Rights Act of*  
2 *1997*" shall be included in the forest cadastre and shall be reflected in the maps. For  
3 this purpose, the National Commission on Indigenous Peoples (NCIP) is required to  
4 submit all of its delineation surveys to the DENR for inclusion in the cadastre, including  
5 those that will be approved by the NCIP subsequent to this Act.

6  
7 **SEC. 11.** *Persons Authorized to Conduct Forest Land Surveys.* – Duly licensed  
8 geodetic engineers who are in the service of the DENR, employed or contracted out,  
9 or any other authorized geodetic engineers may undertake the survey of forest lands,  
10 subject to the administrative direction, control, and supervision of the DENR.

11  
12 **SEC. 12.** *Authority to Conduct Forest Land Surveys.* – The DENR may order  
13 the geodetic engineers employed by the Department or contract out to duly licensed  
14 geodetic engineers to conduct forest land surveys.

15  
16 **SEC. 13.** *Entry on Forest lands.* – It shall be lawful for duly licensed geodetic  
17 engineers and other employees of the DENR to enter forest lands, whenever  
18 necessary, for the surveying and establishment of monuments.

19  
20 It shall be the duty of every tenure holder or every person claiming an interest  
21 in the forest land to be surveyed to communicate to the DENR all information  
22 possessed by such person concerning the boundary lines of the particular portion of  
23 the forest land.

24  
25 **SEC. 14.** *Interference with Surveys and Monuments.* – Any person who shall  
26 interfere with the conduct of surveys pursuant to this Act, or deface, destroy, remove  
27 or otherwise alter established survey monuments shall be penalized with a fine of not  
28 less than one hundred thousand pesos (Php 100,000.00) but not more than five  
29 hundred thousand pesos (Php 500,000.00), or imprisonment of not less than six (6)  
30 months but not exceeding six (6) years, or both, at the discretion of the court.

31  
32 **SEC. 15.** *Approval of Forest Land Cadastral Surveys.* – Submission of survey  
33 plans shall be made to the unit in charge of surveys at the regional office of the DENR.  
34 Such submission shall be subject to the process of inspection, verification, and  
35 approval of surveys, and shall be projected in the same projection map used for  
36 alienable and disposable lands.

37  
38 **SEC. 16.** *Integration Into Existing Cadastral System.* – Approved surveys and  
39 all other accompanying information on forest lands shall be integrated into the existing  
40 cadastral system. It shall include maps and other information necessary to identify the  
41 parcel, as well as, the tenure or interest associated with it.  
42

1           **SEC. 17. Access To Forest Land Information.** – The DENR shall share and  
2 provide access to all available forest land information to other government agencies,  
3 local government units, and the public for the efficient management and sustainable  
4 utilization of forest lands and resources therein. Cadastral information may also be  
5 shared to banks and other non-bank financial institutions for the purpose of providing  
6 access to credit and other financial services and facilities subject to existing data  
7 privacy, rules, and regulations.

8           **SEC. 18. Integrity of Forest Land Information.** – The DENR shall ensure the  
9 integrity of forest land information through continuous updating of data, system  
10 maintenance, and cleansing of forest land records of inconsistencies, duplications,  
11 errors, and fraud.

12           **SEC. 19. Security of Forest Land Information.** – At all DENR sites, there will be  
13 appropriate security arrangements on access to the network and database, anti-virus  
14 protection, on-site and off-site backup of databases, and other related system  
15 administration arrangements. All systems will include an audit trail of persons who  
16 made changes to the key data in the database.

17           **SEC. 20. Appropriation.** – The amount needed for the implementation of this  
18 Act shall be included in the General Appropriations Act (GAA).

19           **SEC. 21. Implementing Rules and Regulations.** – Within ninety (90) days, the  
20 DENR shall issue the necessary rules and regulations for the effective implementation  
21 of this Act.

22           **SEC. 22. Repealing Clause.** – All laws, decrees, executive order, executive  
23 issuances or letters of instruction, rules and regulations or any part thereof  
24 inconsistent to the provisions of this Act are hereby deemed repealed, amended or  
25 modified accordingly.

26           **SEC. 23. Separability Clause.** – If, for any reason or reasons, any part or parts  
27 of this Act shall be declared unconstitutional or invalid by any competent court, other  
28 parts of this Act not so declared shall continue to be in full force and effect.

29           **SEC. 24. Effectivity Clause.** – This Act shall take effect fifteen days (15) after  
30 its publication in two (2) newspapers of general education.

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*Approved,*