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REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Senate
Office of the Secretary

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SENATE

S. No. 528

RECEIVED BY: 

Introduced by **SENATOR CYNTHIA A. VILLAR**

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

EXPLANATORY NOTE

The Philippines has a total land area of 30 million hectares (ha). Of which, 14.2 million ha are classified as alienable and disposable lands (A&D) while 15.8 million ha are forest lands. Formal recording and public access on information on lands through a cadastre is limited only to the A&D lands while the forest lands are not part of such system. Information on forest lands is not formally recorded in a public registry making it hardly accessible. Tenurial instruments and other forms of agreements or contracts in forest lands are neither registered, systematically surveyed, nor parcelized. Tenurial instruments and resource access contracts are difficult to verify and are subject to unnecessary verification and vettings.

A critical factor in the success of sustainable forest management in the Philippines is a well-defined and secured rights. The forest cadastre as aims to establish an appropriate administration system for forest lands for formally delineating and recording rights, land values, suitable land uses, 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, I urge the early approval of the bill.



CYNTHIA A. VILLAR

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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 Cadastral
2 Act”.

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

9 Sec. 3. *Definition of Terms.* – As used in this Act

10 a) *Agricultural lands* - refer to alienable and disposable lands of the public
11 domain which have been the subject of the land classification system
12 and declared as not needed for forest purposes.

13 b) *Ancestral domain* - refers to all areas generally belonging to indigenous
14 cultural communities (ICCs) and/or indigenous peoples (IPs)

1 comprising lands, inland waters, coastal areas, and natural resources
2 therein, held under a claim of ownership, occupied or possessed by
3 ICCs/IPs, by themselves or through their ancestors, communally or
4 individually since time immemorial, continuously to the present except
5 when interrupted by war, force majeure or displacement by force,
6 deceit, stealth or as a consequence of government projects or any
7 other voluntary dealings entered into by government and private
8 individuals/corporations, and which are necessary to ensure their
9 economic, social and cultural welfare. It shall include ancestral lands,
10 forests, pasture, residential, agricultural, and other lands individually
11 owned whether alienable and disposable or otherwise, hunting
12 grounds, burial grounds, worship areas, bodies of water, mineral and
13 other natural resources, and lands which may no longer be exclusively
14 occupied by ICCs/IPs but from which they traditionally had access to
15 for their subsistence and traditional activities, particularly the home
16 ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.

17 c) *Ancestral lands* - refer to land occupied, possessed and utilized by
18 individuals, families and clans who are members of the ICCs/IPs since
19 time immemorial, by themselves or through their predecessors-in-
20 interest, under claims of individual or traditional group ownership,
21 continuously, to the present except when interrupted by war, force
22 majeure or displacement by force, deceit, stealth, or as a consequence
23 of government projects and other voluntary dealings entered into by
24 government and private individuals/corporations, including, but not
25 limited to, residential lots, rice terraces or paddies, private forests,
26 swidden farms and tree lots.

27 d) *Delineation* – refers to the conduct of site investigation, field
28 reconnaissance and assessment, and staking of boundaries among
29 forest lands, national parks/protected areas, mineral lands and
30 agricultural lands verified in the field in accordance with the criteria set
31 forth under the existing rules and regulations of the DENR.

- 1 e) *Forest block* - is an area of contiguous forest land measuring fifteen
2 (15) seconds of latitude and fifteen (15) seconds of longitude at
3 approximately 20.7 hectares per block.
- 4 f) *Forest cadastre* - is a registry containing official, legal documentation
5 concerning the quantity, dimension, location, value, existing tenure,
6 and other information unique for the forest land parcel.
- 7 g) *Forest compartment* - is the basic territorial unit of measurement
8 permanently defined for the purpose of location, description, and
9 record, and as a basis for forest management.
- 10 h) *Forest land* - includes the public forest, the permanent forest or forest
11 reserves, forest reservations, and all other lands not classified as
12 agricultural lands, mineral lands, and national parks.
- 13 i) *Mineral land* - means any area where mineral resources are found.
- 14 j) *National park* - refers to a forest reservation essentially of natural
15 wilderness character which has been withdrawn from settlement,
16 occupancy or any form of exploitation except in conformity with
17 approved management plan and set aside as such exclusively to
18 conserve the area or preserve the scenery, the natural and historic
19 objects, wild animals and plants therein and to provide enjoyment of
20 these features in such areas.
- 21 k) *Protected area* - refers to identified portions of land and/or water set
22 aside by reason of their unique physical and biological significance,
23 managed to enhance biological diversity and protected against
24 destructive human exploitation.

25 Sec. 4. *Forest Land Delineation.* – The delineation of forest lands as
26 completed by the Department of Environment and Natural Resources (DENR) and
27 submitted to Congress is hereby adopted. Provided that all vested rights prior to
28 delineation within forest lands are recognized. Forest lands categorized as public
29 forest lands shall not be reclassified, except through an Act of Congress.

1 Sec. 5. *Establishment of the Forest Cadastre.* – The DENR shall develop,
2 install, maintain and update regularly a system of mapping of all forest tenurial
3 instruments and agreements issued by the DENR in all forest lands.

4 Such system shall reflect all existing tenure agreements and shall show
5 graphically said tenures. Untenured forest lands shall also be reflected and shown
6 graphically in order to complete tenure mapping of entire municipalities and cities.
7 An inventory of all tenure instruments shall be kept in the system.

8 Sec. 6. *Identification of Forest Blocks and Compartments.* – The DENR shall
9 divide the identified forest lands, protected area and national parks, and mineral
10 lands into forest blocks for a more efficient resource management. The size of forest
11 compartments shall be determined by the DENR.

12 Sec. 7. *National Parks and Protected Areas.* – All protected areas and
13 national parks in non-agricultural or inalienable lands shall be included in the
14 cadastre. Existing surveys covering areas under the National Integrated Protected
15 Area Systems (NIPAS) Act of 1992 and the Expanded National Integrated Protected
16 Area Systems Act of 2017 shall be included in the cadastre.

17 Sec. 8. *Mineral Lands.* – All mineral lands in non-agricultural or inalienable
18 lands shall be included in the cadastre. Existing surveys covering areas under the
19 People's Small-scale Mining Act of 1991 and the Philippine Mining Act of 1995 shall
20 be included in the cadastre.

21 Sec. 9. *Proclamations and Reservations.* – All existing proclamations and
22 reservations within forest lands that are not included in the NIPAS Act of 1992, E-
23 NIPAS Act of 2017, People's Small-scale Mining Act of 1991, and the Philippine
24 Mining Act of 1995 shall be included in the cadastre.

25 Sec. 10. *Ancestral Domains and Ancestral Lands.* – All surveys covering areas
26 under the Indigenous People's Rights Act of 1997 shall be included in the forest
27 cadastre and shall be reflected in the maps. For this purpose, the National
28 Commission on Indigenous Peoples (NCIP) is required to submit all of its delineation

1 surveys to the DENR for inclusion in the cadastre, including those that will be
2 approved by the NCIP subsequent to this Act.

3 Sec. 11. *Persons Authorized to Conduct Forest Land Surveys.*— Duly licensed
4 geodetic engineers who are in the service of the DENR, employed or contracted out,
5 or any other authorized geodetic engineers may undertake the survey of forest
6 lands, subject to the administrative direction, control, and supervision of the DENR.

7 Sec. 12. *Authority to Conduct Forest Land Surveys.*— The DENR may order the
8 geodetic engineers employed by the Department or contract out to duly licensed
9 geodetic engineers to conduct forest land surveys.

10 Sec. 13. *Entry on Forest lands.* – It shall be lawful for duly licensed geodetic
11 engineers and other employees of the DENR to enter forest lands whenever
12 necessary for the surveying and establishment of monuments.

13 It shall be the duty of every tenure holder or every person claiming an
14 interest in the forest land to be surveyed to communicate to the DENR all
15 information possessed by such person concerning the boundary lines of the
16 particular portion of the forest land.

17 Sec. 14. *Interference with Surveys and Monuments.* – Any person who shall
18 interfere with the conduct of surveys pursuant to this law, or deface, destroy,
19 remove or otherwise alter established survey monuments shall be penalized with a
20 fine of not less than one hundred thousand pesos (P100,000.00) but not more than
21 five hundred thousand pesos (P500,000.00), or imprisonment of not less than six (6)
22 months

23 Sec. 15. *Approval of Forest Land Cadastral Surveys.* – Submission of survey
24 plans shall be made to the unit in charge of surveys at the regional office of the
25 DENR. Such submission shall be subject to the process of inspection, verification and
26 approval of surveys, and shall be projected in the same projection map used for
27 alienable and disposable lands.

1 Sec. 16. *Integration Into Existing Cadastral System.* – Approved surveys and
2 all other accompanying information on forest lands shall be integrated into the
3 existing cadastral system. It shall include maps and other information necessary to
4 identify the parcel as well as the tenure or interest associated with it.

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

12 Sec. 18. *Integrity of Forest Land Information.* – The DENR shall ensure the
13 integrity of forest land information through continuous updating of data, system
14 maintenance, and cleansing of forest land records of inconsistencies, duplications,
15 errors and fraud. Budget shall be allocated annually for this purpose.

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

21 Sec. 20. *Funding.* – Initial funds shall be sourced from savings of the DENR
22 for the current year and thereafter shall be included yearly in the General
23 Appropriations Act.

24 Sec. 21. *Implementing Rules and Regulations.* – The DENR shall promulgate
25 rules and regulations to carry out the provisions of this Act within 120 days from
26 approval hereof.

27 Sec. 22. *Repealing Clause.* – All laws, decrees, executive order, executive
28 issuances or letters of instruction, rules and regulations or any part thereof

1 inconsistent to the provisions of this Act are hereby deemed repealed, amended or
2 modified accordingly.

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

6 *Sec. 24. Effectivity.* – This Act shall take effect fifteen days (15) after its
7 publication in two (2) newspapers of general education.

Approved,