

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

7 SEP 26 2016

SENATE

SB No. 1650



Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to implement an important Constitutional provision found in Section 4, Article XII of the Philippine Constitution which states that -

"The Congress shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. The Congress shall provide, for such period as it may determine measures to prohibit logging in endangered forests and watershed areas."

Data from the Department of Environment and Natural Resources reveal that from year 2000 to mid 2007, there are 52 provinces where there are efforts to delineate and establish permanent forestland boundaries, for a total of 54,333 kilometers of forest land. These provinces include: Benguet, Apayao, Ifugao, La Union, Ilocos Norte, Quirino, Nueva Vizcaya, Isabela, Cagayan, Nueva Ecija, Bulacan, Zambales; Bataan, Tarlac, Pampanga, Aurora, Laguna, Quezon, Oriental Mindoro, Occidental Mindoro, Marinduque, Romblon, Catanduanes, Albay, Camarines Sur, Aklan, Antique, Capiz, Iloilo, Guimaras, Siquijor, Cebu, Bohol, Negros Oriental, Biliran, Leyte, Southern Leyte, Eastern Samar, Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay, Camiguin, Bukidnon, Davao del Sur, Davao del Norte, South Cotabato, Sultan Kudarat, Cotabato, Sarangani, Surigao del Norte, Agusan del Sur and Agusan del Norte. Of these, only 18 provinces have completed relocation survey.

Activities in delineation include the preparation of base map and conduct of survey, then the monumenting, which could be on minor or major monuments, the planting of the monuments, and the post survey, including the digitization of final map. According to the Protected Areas and Wildlife Bureau, the cost of putting up minor corners amount to P12,500 while that for major concerns amount to P18,000. With the entire 30 million hectares of public land, of which 15 million hectares are estimated to account for forestlands, and of which 76,000 kilometers are forestland boundaries that are for demarcation, the task looks Herculean.

But considering the adverse consequences of the lack of public knowledge on what constitutes the permanent forest limits of our country to the growth and development of our nation in terms of environmental degradation and unsustainable development, the delineation of the permanent forest limits is an important investment

and a worthy endeavor not only for the present but more importantly, for future generations.

At present, government relies only on the land classification maps and Cadastral survey maps of the Department of Environment and Natural Resources and the initiatives of local government units like Puerto Princesa in identifying the forestlands and agricultural lands. However, despite these efforts, unscrupulous individuals are not prevented from defying the integrity of these demarcated boundaries. Moreover, in the absence of clear demarcation on the ground by concrete monuments and other visible signs, majority of those who live within the forestlands are not even aware that they are violating a law that declares that clearing and farming in forestlands as criminal acts. Without the boundaries, people utilize our forest lands and the resources in it in an unsustainable and destructive manner.

With a demarcated and properly identified forestlands, the national government can better plan the utilization of the natural resources of the country, and local government units would be better equipped and encouraged to initiate and implement development projects and programs with due regard to the preservation and protection of the integrity of the demarcated forest lands.

This proposed measure designates as permanent forestlands the following: (a) all lands of the public domain already classified as forestland per existing land classification maps issued by the DENR, (b) all permanent forest reserves proclaimed as such by the President or declared by Congress through law, and (c) such areas within the unclassified lands of the public domain which may hereafter be classified as forestland by DENR. The permanent forestlands shall be further sub-classified by the DENR, after due consultation with the local government units (LGUs), concerned communities, and other stakeholders into: (a) protection forests and (b) production forests.

Under this proposal, The DENR shall undertake the actual ground survey and verification of the specific forest limits using as basis all existing Land Classification (LC) maps, the latest forest cover data of the National Mapping and Resource Information Authority (NAMRIA) from its satellite imagery interpretations, and other available and reliable sources of information.

Under this bill, the permanent forest line shall be established and clearly marked on the ground by concrete monuments at certain fixed distances, visible cut lines, signboards, and uniformly-spaced distinctive trees maintained at all times between the concrete monuments.

The delineation of the permanent forest line is essential for the establishment of sustainable development plan for both agricultural and forest lands.


In view of the foregoing, passage of the bill is earnestly recommended.


LOREN LEGARDA
Senator

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

7 SEP 26 2011

SENATE

~~RECEIVED~~ 

SB No. 1650

Introduced by Senator Loren Legarda

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 the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.*- This Act shall be known and cited as the "Final Forest Limits Act of 2007."

SECTION 2. *Declaration of Policy.*- It is policy of the State to conserve, protect, and develop the forest resources of the country in order to attain ecological balance, preserve valuable ecosystems, prevent environmental degradation, and promote sustainable development for the present and succeeding generations. To achieve these ends, Section 4, Article XII of the 1987 Constitution mandates Congress to determine by law the specific limits of forestlands and national parks, marking clearly their boundaries on the ground.

SECTION 3. *What Constitutes the Permanent Forestlands.*- The permanent forestlands shall be as follows: (a) all lands of the public domain already classified as forestland per existing land classification maps issued by the DENR, (b) all permanent forest reserves proclaimed as such by the President or declared by Congress through law, and (c) such areas within the unclassified lands of the public domain which may hereafter be classified as forestland by the Department of Environment and Natural Resources (DENR) pursuant to this Act.

SECTION 4. *Guidelines for Ground Delineation of the Specific Forest Limits.*- Immediately upon the effectivity of this Act, the DENR shall undertake the actual ground survey and verification of the specific forest limits using as basis all existing Land Classification (LC) maps, the latest forest cover data of the National Mapping and Resource Information Authority (NAMRIA) from its satellite imagery interpretations, and other available and reliable sources of information.

SECTION 5. *Boundaries to be Clearly Marked.*- The permanent forest line shall be established and clearly marked on the ground by concrete monuments at certain fixed distances, visible cut lines, signboards, and uniformly-spaced distinctive trees maintained at all times between the concrete monuments.

SECTION 6. *Permanency of the Specific Forest Limits.*- The permanent forestlands established pursuant to this Act shall not be diminished nor reduced except by an Act of Congress. The DENR, in coordination with all agencies and branches of the government, shall see to it that the forest cover and vegetation therein shall be protected, preserved, and enhanced.

SECTION 7. *Subclassification of the Permanent Forestlands.*- The permanent forestlands shall be further subclassified as follows: (a) protection forests and (b) production forests. After due consultation with the local government units (LGUs), concerned communities, and other stakeholders, the DENR shall undertake the subclassification of the permanent forestlands.

Protection forests shall be managed in accordance with the provisions of Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS Act).

Production forests shall be sustainably developed for natural regeneration, reforestation, productivity, and wealth creation subject to regulated harvesting.

SECTION 8. *Recognition of the Rights of Upland Dwellers.*- In the ground delineation of the permanent forest limits, the occupation by indigenous cultural communities and other upland dwellers shall be recognized and respected consistent with the provisions of Republic Act No. 7160 or the Local Government Code of 1991 and Republic Act No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997.

SECTION 9. *Accessibility of Record to the Public.*- All records and information pertaining to the specific forest limits delineated pursuant to this Act shall be made available to all local government units (LGUs), other government agencies, and to the general public.

SECTION 10. *Implementing Rules and Regulations.*- Within three (3) months from the effectivity of this Act, the DENR Secretary shall issue the corresponding Implementing Rules and Regulations for the effective implementation of this Act.

SECTION 11. *Monitoring, Evaluation, and Reporting System.*- To attain the objectives of this Act, a field monitoring, evaluation, and reporting system shall be adopted by the DENR Secretary on the extent and state of the natural forests, furnishing Congress a copy of the report every six (6) months through the Congressional Oversight Committee created in Section 12 hereof.

SECTION 12. *Congressional Oversight Committee on the Delineation of the Permanent Forest Limits.*- There is hereby created a Congressional Oversight Committee to oversee the implementation of this Act, composed of seven (7) members from the Senate Committee on Environment and Natural Resources and seven (7) members from the House of Representatives Committee on Natural Resources.

The secretariat of the oversight committee shall be drawn from the existing secretariat personnel of the committees comprising the oversight and the funding shall be taken from the appropriations of both the House of Representatives and the Senate.

SECTION 13. *Appropriations.*- The Secretary of the Department of Environment and Natural Resources shall include in the Department's program the implementation of this Act, the initial funding of which shall be charged against the current year's

appropriations of the Department and thereafter included in the annual General Appropriations Act.

Funds for the implementation of the provisions of this Act shall be supplemented also from any available official development assistance (ODA) and from joint projects between agencies of the Philippines and an assisting country.

Local government units may also allocate counterpart funds to be taken from their internal revenue allotment (IRA) and other LGU income for the delineation of the forest limits within their respective territorial jurisdictions.

SECTION 14. *Separability Clause.*- If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SECTION 15. *Repealing Clause.*- All laws, decrees, letters of instruction, executive order, rules and regulations, and other issuance or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 16. *Effectivity.*- This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,