


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

8 JUN 11 P3:23

SENATE
S. B. No. 2400

RECEIVED BY: 

INTRODUCED BY HONORABLE MAR ROXAS

EXPLANATORY NOTE

The country's declining forest cover and the slow but steady degradation of our watersheds significantly imperils the country's water supply resources. Watersheds play an important role in the production of sufficient quantity of water of acceptable quality. It serves both as a water supply and water distribution system. Of the 2,599,629 hectares of protected area in our country, 1,153,629 hectares comprise of watershed forest reserves. Sadly however, we have neglected to supply the necessary care and management for our watershed resources.

The logging and felling of trees in watershed areas is one major factor that has contributed to the degradation of our watershed resources. The expansion of commercial vegetation aggravates the situation as this loosens the soil, making it more vulnerable to slides, erosion and siltation. These, coupled with the rampant conversion of forest lands situated on watersheds for commercial purposes, which are eventually cleared to make way for industrial estates or golf courses constitute an extremely high cost to social welfare and have to be stemmed with the appropriate sanctions.

This measure thus seeks to define the offense of illegal logging in watersheds and other protected areas, as an added safeguard for the protection and conservation of watershed resources, and accordingly prescribes the appropriate penalties. It further prohibits the illegal conversion of watershed areas for farming and other agricultural activities, as well as for commercial and industrial uses so as not to encroach on watershed forests reserves.

Our trees and forests are critical to the proper function of watersheds, and is an important determinant of water quality. Indeed, one of the most important and vital forest products is the supply of clean water. For this reason alone, it is incumbent upon us to establish measures that protect and preserve our watershed resources.


In view of the foregoing, early passage of this bill is earnestly requested.


M A R ROXAS
Senator

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AN ACT
DEFINING THE PROHIBITED ACTS IN WATERSHED RESERVATIONS AND
PROTECTED AREAS AND PROVIDING PENALTIES THEREFOR.

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

1 SECTION 1. *Declaration of Policy.* - It is hereby declared the policy of the State to
2 protect, conserve and develop water resources for human consumption, irrigation, hydro-
3 electric power generation, inland fisheries, bio-diversity and for other beneficial purposes.
4 To these ends, the State shall implement measures that will bring an end to all activities
5 contributory to the depletion of water resources and the degradation of watersheds.

6 SECTION 2. *Illegal Logging in Watersheds and Protected Areas.* - It is hereby
7 declared unlawful for any person, natural or juridical, to cut or fell trees for any purpose
8 whatsoever in any watershed reservation and protected areas.

9 SECTION 3. *Illegal Conversion of Watersheds and Protected Areas.* - Any person,
10 natural or juridical, shall not use any part or portion of a watershed reservation and protected
11 area as farmland, grazing lands or for any other agricultural purposes; nor shall any part or
12 portion of a watershed forest reserve and protected area be converted for commercial,
13 residential or industrial purposes.

14 SECTION 4. *Penalties.* - Violation of Sections 2 and 3 hereof shall be punished with
15 reclusion temporal. No mitigating circumstance whatsoever shall be appreciated in favor of

1 the offender. In addition to the prison term, the offender shall indemnify the Republic of the
2 Philippines in an amount ten (10) times the value of the illegally cut trees. If the offender is a
3 corporation, partnership or other juridical person, the Chief Executive Officer thereof,
4 whether Chairman, President or General Manager, shall be criminally liable in the
5 commission of the offense penalized under this Act. If the crime herein mentioned is
6 committed by a public officer, he shall, in addition to the foregoing penalties, be perpetually
7 disqualified from holding public office.

8 SECTION 5. *Suspension of Licenses.* - Upon the filing of the necessary information in
9 court, the government prosecutor shall, if the offender is a corporation, partnerships or other
10 juridical person to whom a license agreement, lease or permit to utilize forest resources
11 within any forest land has been granted, forward a copy of the information to the
12 Department of Environment and Natural Resources (DENR). Upon receipt thereof, DENR
13 shall immediately cause the suspension of the license agreement, lease or permit, as the case
14 may be, of the offender until termination of the criminal case. In case the offender is
15 acquitted, the suspension shall be ordered lifted. Otherwise, the license, lease or permit shall
16 be ordered cancelled.

17 SECTION 6. *Forfeiture of the Instruments of the Crime.* - Any tool, equipment or
18 vehicle used in the cutting and transport of the illegally cut trees, as well as in clearing the
19 watershed forest and protected area for roads and construction shall be automatically
20 forfeited in favor of the government.

21 SECTION 7. *Separability Clause.* - If for any reason, any portion or provision of this
22 Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in
23 full force and effect.

1 SECTION 8. *Repealing Clause.* - All laws, presidential decrees, executive orders,
2 issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act
3 are hereby repealed or modified accordingly.

4 SECTION 9. *Effectivity.* - This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation whichever comes earlier.

6

7 Approved,