


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SENATE

S. B. No. **2994**

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

Explanatory Note

The 1987 Constitution provides that Congress shall determine by law the specific limits of forest lands and national parks, which shall thereafter be conserved and may not be increased nor diminished.

According to latest government statistics, half of the country's total land area or roughly 15 million hectares is classified as forest land. Lands classified under forest land are further disaggregated into different categories, such that only 3.27 million hectares out of the 15 million hectares are classified as forest reserves. However, the lack of demarcation separating the lands classified as forest reserves from other classes may have resulted to an inaccurate picture as to the actual size of the country's forest lands, as some may have been encroached by various adjacent land developments or have been reclassified due to existing laws.

In order to mitigate further encroachment, the Department of Environment and Natural Resources (DENR), as of August of 2011, has completed the delineation and assessment of 54,642 kilometers, out of about 66,000 kilometers of forest lines, covering 61 of the country's 80 provinces. By the end of this year, the DENR is expected to complete the said activity.

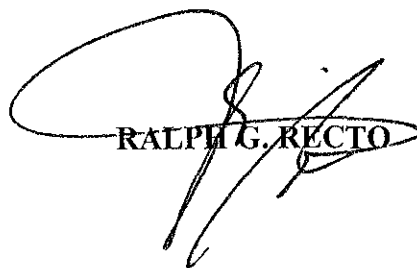
However, in order to strengthen DENR's efforts in the delineation and assessment of the country's remaining forest lands, an enabling law is necessary to provide a legal framework to preserve the remaining forest resources and protect these lands from utilization for purposes other than preserving the flora and fauna.

With the threat of further encroachment of the country's remaining forest lands at hand, it is imperative for government to secure the country's remaining forest resources from further ruin due in part to uncontrolled development and urban expansion.

This measure seeks to define the scope of forestlands, as well as provide guidelines in determining the specific limits of forestlands. For this purpose, a National Review and Evaluation Committee, headed by the Secretary of Environment and Natural Resources, shall be created to process, evaluate and approve all completed assessment and delineation reports referred to the said Committee. The DENR shall, upon determination of final forest lines, delimit and establish boundary monuments on the ground. Forestlands delineated under this legislation shall be conserved and may not be increased nor decreased, except by law.

In order to resolve controversies arising from land classification as a result of the delimitation of forestlands, a Land Classification Conflict Adjudication Board shall also be created under this Bill.

To attain ecological balance, preserve valuable ecosystems, prevent environmental degradation and promote sustainable development for the present and future generations, approval of this Bill is earnestly sought.



RALPH G. RECTO

SENATE

S. B. No. 2994

11 OCT 12 P4:31

RECEIVED BY: R

Introduced by Senator Ralph G. Recto

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 Representative of the Philippines in Congress assembled:

1 **SECTION 1. *Short Title.*** – This Act shall be known and cited as the “Final Forest Limits
2 Act of 2011”.

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

9 **SEC. 3. *Definition of Terms.*** –

- 10 a) Agricultural lands - refer to alienable or disposable lands of the public domain
11 which have been the subject of the land classification system and declared as not
12 needed for forest purposes;
- 13 b) Delimitation survey - refers to the establishment of land classification
14 boundaries, and the monumenting thereof following ground survey;
- 15 c) Delineation – refers to the conduct of site investigation, field
16 reconnaissance and assessment, and staking of boundaries between forestlands,
17 national parks and agricultural lands verified in the field in accordance with the
18 criteria set forth under Department of Environment and Natural Resources
19 Administrative Order No. 2008-24;
- 20 d) Forestlands – refer to all lands of the public domain already classified as
21 forestland as per existing land classification maps issued by the
22 Department of Environment and Natural Resources (DENR) including all
23 permanent forest reserves proclaimed as such by the President or declared by
24 law, and such areas within the unclassified lands of the public domain that

1 were assessed and delineated by the DENR in accordance with pertinent laws,
2 rules and regulations; and

- 3 e) Protected Area- refers to identified portions of land and/or water set aside by
4 reason of their unique physical and biological significance, managed to
5 enhance biological diversity and protected against destructive human
6 exploitation.

7 **SEC. 4. *What Constitutes the Forestlands.*** - The following shall constitute the
8 forestlands, to wit: (a) all lands of the public domain already classified as forestland as per
9 existing land classification maps issued by the Department of Environment and Natural
10 Resources (DENR); (b) all permanent forest reserves proclaimed as such by the President or
11 declared by law; and (c) such areas within the unclassified lands of the public domain
12 that were assessed and delineated by the DENR in accordance with pertinent laws, rules
13 and regulations.

14 **SEC. 5. *Guidelines in Determining the Specific Limits of Forestlands.*** - The
15 following guidelines and procedures shall be followed in determining the specific limits of
16 forestlands in the country:

- 17 a) The previously-established Land Classification survey lines per Province with
18 their respective technical descriptions (TDs) and maps shall be the basic data and
19 information that will be used as reference material by the Regional
20 Assessment and Delineation Teams (RADT), the Regional Assessment and
21 Delineation Committee (RADC), and the National Assessment and
22 Delineation Committee created under Department of Environment
23 and Natural Resources Administrative Order No. 2008-24 dated December
24 8, 2008, in undertaking the validation, assessment and delineation
25 process/activity.
- 26 b) All completed assessment and delineation reports for a given province which are
27 found to be in order by both the Regional and National Assessment and
28 Delineation Committees shall be endorsed to the National Review and
29 Evaluation Committee as created herein to be headed by the DENR Secretary for
30 its final approval.
- 31 c) The same process shall be followed for other provinces with on-going
32 assessments and delineation activities until such time that all the
33 boundaries of forestlands of the whole country shall have been delimited:
34 *Provided*, That all assessments, validations and delineations shall be completed
35 not later than one (1) year after the passage of this Act.

36 **SEC. 6. *Creation of the National Review and Evaluation Committee.*** - In recognition of the
37 Constitutional mandate as embodied in Section 4, Article XII thereof, and in view of the
38 urgent need to fast track the establishment of the permanent limits of the forestlands of the

1 country as it affects the national interest, a National Review and Evaluation Committee is
2 hereby created to process, evaluate and approve all completed assessment and delineation
3 reports referred to in the immediately preceding Section. The Committee, in its evaluation
4 and approval of the said reports, shall adhere strictly to existing established laws, policies,
5 rules, regulations and guidelines pertinent thereto.

6 The Committee shall be composed of the following:

- 7 a) Secretary of the Department of Environment and Natural Resources -
8 Chairman;
- 9 b) Director-General of the National Economic and Development Authority - Vice
10 Chairman;
- 11 c) Secretary of the Department of Interior and Local Government – Member;
- 12 d) Secretary of the Department of Agriculture – Member;
- 13 e) Secretary of the Department of Agrarian Reform – Member;
- 14 f) Chairman of the Housing and Urban Development Coordinating Council –
15 Member; and
- 16 g) President of the League of Provinces – Member.

17 Upon approval of the assessment and delineation reports as herein specified, the
18 Committee shall submit the same to Congress which shall thereafter form part of its
19 official records. The assessment and delineation reports as approved by the Committee
20 shall be adopted as constituting the final boundaries of the forestlands covered by the said
21 report.

22 **SEC. 7. *Demarcation and Delimitation of Final Forestland Boundary.*** -

23 Immediately after the final forest line has been determined following the guidelines
24 prescribed in Section 5 hereof, the DENR shall delimit and establish the permanent
25 boundary monuments on the ground.

26 **SEC. 8. *Permanency of the Specific Forest Limits.*** -

27 The permanent forestlands established pursuant to this Act shall be conserved and may not be increased nor
28 diminished except by law. The DENR, in coordination with all agencies and branches of
29 government shall ensure that the forest cover and other resources therein shall be protected
30 and enhanced.

31 **SEC. 9. *Monitoring, Evaluation, and Reporting System.*** -

32 To attain the objectives of this Act, a field monitoring, evaluation and reporting system shall be adopted by the
33 DENR Secretary to regularly keep track of the state of the country's forestlands after
34 their delimitation. Toward this end, at the opening of each session of Congress, the DENR
35 shall submit a report to the President on the status of the forestlands for transmission to
36 Congress.

37 **SEC. 10. *Creation of an Adjudication Board to Resolve Controversies on Land***

38 **Classification Conflicts** - A Land Classification Conflict Adjudication Board is hereby

1 created to resolve controversies arising from Land Classification as a result of the delimitation
2 of forestlands pursuant to this Act. The Board shall be composed of the following:

3 The DENR Secretary as Chairman

4 Members:

5 Secretary of Department of Interior and Local Government (DILG);

6 Secretary of Department of Justice (DOJ);

7 Director-General of National Economic and Development Authority (NEDA);

8 Administrator of National Mapping and Resources Information Administration
9 (NAMRIA);

10 Representative from the Integrated Bar of the Philippines (IBP);

11 Chairman of the Housing and Urban Development Coordinating Council; and

12 President of the League of Provinces.

13 The Board shall have the following powers and functions:

- 14 1. Adjudicate cases on land conflicts and adverse claim brought before it for
15 resolution;
- 16 2. Summon witnesses, administer oaths, take testimony and require submission of
17 reports;
- 18 3. Compel production of books and documents and answers to interrogatories;
19 and
- 20 4. Issue subpoena duces tecum, writs of possession, writs of execution and other
21 writs to enforce its orders and decisions.

22 **SEC. 11. *Implementing Rules and Regulations.*** - Within three (3) months from
23 the effectivity of this Act, the DENR Secretary shall issue the corresponding
24 Implementing Rules and Regulations for the effective implementation of this Act.

25 **SEC. 12. *Appropriations.*** - The Congress shall appropriate funds necessary to
26 delimit and establish the permanent boundary monuments on the ground as mandated in
27 Section 7 hereof.

28 **SEC. 13. *Separability Clause.*** - If any portion of this Act is declared
29 unconstitutional, the same shall not affect the validity and effectivity of the other
30 provisions not affected thereby.

31 **SEC. 14. *Repealing Clause.*** - All laws, decrees, letters of instruction, executive
32 orders, rules and regulations and other issuances or parts thereof inconsistent with this Act
33 are hereby repealed or modified accordingly.

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

Approved,