

SENATE

S. B. No. 3366

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(In substitution of Senate Bill No. 450, taking into consideration House Bill No. 6131)

Introduced by Senators Ejercito Estrada and Pangilinan

AN ACT

AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8048, ENTITLED "AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF COCONUT TREES, ITS REPLENISHMENT, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

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

1 **SECTION 1.** Section 4 of Republic Act No. 8048, also known as the "Coconut
2 Preservation Act of 1995", is hereby amended to read as follows:

3 "SEC. 4. *Prohibition.* – No coconut tree shall be cut except in the
4 following cases and only after a permit had been issued therefor:

5 a) When the tree is sixty (60) years old **IN THE CASE OF TALL**
6 **VARIETIES, AND AT LEAST FORTY (40) YEARS OLD FOR DWARF VARIETIES;**

7 b) When the tree is no longer economically productive;

8 c) When the tree is **SEVERELY** disease-infested **AND BEYOND**
9 **REHABILITATION;**

10 d) When the tree is **SEVERELY** damaged by typhoon or lightning;

11 e) When the agricultural land devoted to coconut production shall
12 have been converted in accordance with law into residential, commercial or
13 industrial areas;

14 f) When the land devoted to coconut production shall be converted
15 into other agricultural uses or other agriculture-related activities in
16 pursuance to a conversion duly applied for by the owner and approved by
17 the proper authorities: *Provided,* That no conversion shall be allowed by the
18 PCA until after it shall have been verified and certified that for a period of at
19 least three (3) years the majority of the coconut trees have become
20 *senescent and economically unproductive or where the coconut farm is not*
21 *adaptable to sound management practices on account of geographical*
22 *location, topography, drainage and other conditions rendering the farm*
23 *economically unproductive; and*

1 g) When the tree would cause hazard to life and property.

2 No other causes other than those abovementioned shall be
3 considered as a valid ground for cutting.”

4 **SEC. 2.** Section 5 of Republic Act No. 8048 is hereby amended to read as follows:

5 “SEC. 5. *Permit to Cut.* – No coconut tree or trees shall be cut unless
6 a permit therefore, upon due application being made, has been issued by
7 the PCA pursuant to Section 6 of this Act.

8 The applicant shall pay an application fee in the amount of [Twenty-
9 five pesos (P25.00)] **ONE HUNDRED PESOS (P100.00)** for every tree
10 intended to be cut payable to the PCA. [Ten pesos (P10.00)] **FORTY PESOS**
11 **(P40.00)** of the fee shall accrue in favor of the PCA, [Ten pesos (P10.00)]
12 **FORTY PESOS (P40.00)** in favor of the municipal government concerned,
13 and [Five pesos (P5.00)] **TWENTY PESOS (P20.00)** in favor of the barangay
14 unit concerned. The fees **ALLOCATED TO THE PCA** shall be used for [the
15 PCA’s] **ITS** replanting program and **THE FEES ALLOCATED TO THE**
16 **MUNICIPAL/CITY GOVERNMENT SHALL BE USED** for the repair and
17 rehabilitation of roads of the respective local government units which have
18 been damaged by the continuous passage of heavy vehicles used for
19 transporting coconut lumber, **AND OF MUNICIPAL FARM-TO-MARKET**
20 **ROADS.**

21 **FEES HEREIN COLLECTED SHALL BE DEPOSITED WITH THE NEAREST**
22 **LAND BANK OF THE PHILIPPINES BRANCH OR OTHER GOVERNMENT**
23 **DEPOSITORY BANKS. FEES ACCRUING TO THE LOCAL GOVERNMENT UNIT**
24 **SHALL BE REMITTED WITHIN THREE (3) MONTHS IN ACCORDANCE WITH**
25 **EXISTING COMMISSION ON AUDIT (COA) RULES AND REGULATIONS.**

26 No permit to cut shall be granted unless the applicant[, in
27 coordination with the PCA and the local government unit concerned,] **HAS**
28 **SECURED FROM THE BARANGAY CAPTAIN, OF THE LOCALITY WHERE THE**
29 **CUTTING WILL BE DONE, A CERTIFICATION UNDER OATH THAT HE/SHE** has
30 already planted the equivalent number of coconut trees applied for to be
31 cut.

32 Such replanting[s], however, shall not apply to areas converted into
33 industrial, commercial or residential sites or land transformed in accordance
34 with law, into other agricultural purposes.

35 The PCA, in coordination with the local government unit concerned,
36 shall **VERIFY IF A REPLANTING WAS IMPLEMENTED AND** regulate and
37 oversee the [planting,] fertilization and care of the newly planted coconut
38 trees. For this purpose, it shall be incumbent upon the PCA to conduct, from
39 time to time, on-the-spot inspections of the sites where the coconut trees
40 have been planted.”

41 **SEC. 3.** A new Section 7 is hereby inserted after Section 6 of this Act, to read as
42 follows:

1 **"SEC. 7. POLICE POWERS. – THE PCA SHALL BE VESTED WITH THE**
2 **AUTHORITY TO EXERCISE DULY DELEGATED POLICE POWERS FOR THE**
3 **PROPER PERFORMANCE OF ITS FUNCTIONS AND DUTIES, TO WIT:**

4 **A) INVESTIGATE SUSPECTED VIOLATIONS OF THIS ACT;**

5 **B) ARREST AND APPREHEND ANY PERSON ACTUALLY**
6 **COMMITTING OR ATTEMPTING TO COMMIT AN OFFENSE UNDER THIS**
7 **ACT;**

8 **C) ARREST AND APPREHEND POSSESSOR OF COCONUT LUMBER**
9 **WITHOUT THE NECESSARY PERMIT AS REQUIRED UNDER THIS ACT;**

10 **D) SEARCH AND SEIZE A MOVING VEHICLE WITH ILLEGALLY CUT,**
11 **GATHERED, COLLECTED OR REMOVED COCONUT LUMBER: PROVIDED,**
12 **THAT PROBABLE CAUSE FOR THE SEARCH IS ESTABLISHED;**

13 **E) STOP THE TRANSPORT AND/OR SHIPMENT OF COCONUT**
14 **LUMBER WITHOUT AUTHORITY OR WITHOUT LEGAL DOCUMENTS IN**
15 **ACCORDANCE WITH PERTINENT LAWS, REGULATIONS OR POLICIES ON THE**
16 **MATTER;**

17 **F) CONFISCATE AND FORFEIT IN FAVOR OF THE GOVERNMENT THE**
18 **ILLEGALLY CUT, GATHERED, COLLECTED, REMOVED, POSSESSED OR**
19 **ABANDONED COCONUT LUMBER, AS WELL AS THE MACHINERY,**
20 **EQUIPMENT, IMPLEMENTS AND TOOLS ILLEGALLY USED IN THE**
21 **COMMISSION OF THE OFFENSE AND TO DISPOSE OF THE SAME IN**
22 **ACCORDANCE WITH PERTINENT LAWS, REGULATIONS OR POLICIES ON THE**
23 **MATTER; AND**

24 **G) SEEK THE ASSISTANCE OF OTHER LAW ENFORCEMENT**
25 **AGENCIES FOR THE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF THIS**
26 **ACT."**

27 **SEC. 4.** Section 7 of Republic Act No. 8048, hereby renumbered as Section 8, is

28 hereby amended to read as follows:

29 **"SEC. [7]8. Implementing Rules. – The Philippine Coconut Authority**
30 **shall be the lead agency to implement the provisions of this Act. For this**
31 **purpose, the Philippine Coconut Authority shall prescribe the necessary**
32 **rules and regulations for the immediate and effective implementation of**
33 **this Act.**

34 The PCA, in order to effectively implement the provisions of this Act,
35 may request the assistance of any local government unit, to monitor and
36 ensure compliance with this Act including its implementing rules and
37 regulations. For this purpose, the PCA may deputize the Philippine National
38 Police or other law enforcement agencies to investigate and apprehend
39 those caught violating the provisions of this Act, including the confiscation
40 of illegally cut coconut trees. **IN ORDER TO PREVENT WASTAGE, THE PCA**
41 **SHALL ORDER THE IMMEDIATE DISPOSITION OF CONFISCATED COCONUT**
42 **LUMBER IN A MANNER TO BE DETERMINED BY THE PCA.**

1 In addition to the foregoing, the PCA shall also, in coordination with
2 the local government unit concerned, require the registration of all
3 sawmills, lumberyards, coconut wood dealers and other persons or entities
4 dealing in the processing [,] **AND** sawing of coconut trees.”

5 **SEC. 5.** Section 8 of Republic Act No. 8048, hereby renumbered as Section 9, is
6 hereby amended to read, as follows:

7 “SEC. [8]**9. Penalties.** – Those found guilty of violating this Act or any
8 rules and regulations issued pursuant hereto shall, upon conviction, be
9 punished by imprisonment of not less than [one (1) year] **TWO (2) YEARS**
10 but not more than six (6) years, or a fine of not less than [Fifty thousand
11 pesos (P50,000)] **ONE HUNDRED THOUSAND PESOS (P100,000.00)** but not
12 more than Five [h]Hundred [t]Thousand [p]Pesos (P500,000.00), or both,
13 [in] **AT** the discretion of the court.

14 If the offender is a corporation or a juridical entity, the official who
15 ordered or allowed the commission of the offense shall be punished with
16 the same penalty.

17 If the offender is in the government service, he shall, in addition be
18 dismissed from office.

19 **UPON VERIFICATION BY THE PCA THAT NO REPLANTING WAS**
20 **DONE, THE BARANGAY CAPTAIN WHO ISSUED THE CERTIFICATION SHALL,**
21 **UPON CONVICTION, BE PENALIZED WITH IMPRISONMENT OF NOT LESS**
22 **THAN THREE (3) YEARS BUT NOT MORE THAN SEVEN (7) YEARS AND A**
23 **FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000) BUT**
24 **NOT MORE THAN ONE MILLION PESOS (P1,000,000). FURTHERMORE, THE**
25 **BARANGAY CAPTAIN CONCERNED SHALL BE PERPETUALLY DISQUALIFIED**
26 **FROM HOLDING ANY OTHER PUBLIC OFFICE.”**

27 **SEC. 6.** The succeeding sections are hereby renumbered accordingly.

28 **SEC. 7. Separability Clause.** – If any provision or part hereof is held invalid or
29 unconstitutional, the remainder of the law or the provisions not otherwise affected shall
30 remain valid and subsisting.

31 **SEC. 8. Repealing Clause.** – All laws, issuances or parts thereof inconsistent with this
32 Act are hereby repealed or modified accordingly.

33 **SEC. 9. Effectivity Clause.** – This Act shall take effect after fifteen days from its
34 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,