

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

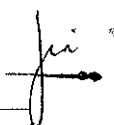


Senate
Office of the Secretary

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SENATE

S.No. 786

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 September 7, 2012, has completed the delineation and assessment of 79,245 kilometers of forest lines for submission to the National Assessment and Delineation Committee.

However, in order to strengthen DENR's efforts in the delineation and assessment of the country's forest lands, an enabling law is necessary to provide a legal framework to preserve the remaining forest resources, protect, manage and utilize these lands for purposes consistent with sustainable development. With the threat of further encroachment over remaining forest lands at hand, it is imperative for government to secure forest lands 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, approval of this Bill is earnestly sought.


RALPH G. RECTO

13 JUL 16 19:39

SENATE

S. No. 786

RECEIVED BY: 

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 2013".

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 development
6 for the present and future generations. To achieve these ends, Section 4 of Article XII of the
7 1987 Constitution mandates Congress to determine by law the specific limits of forest lands and
8 national parks marking clearly their boundaries on the ground.

9 **Sec. 3. Definition of Terms.** - For purposes of this Act, the following terms shall mean:

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

13 b) Delimitation survey refers to the establishment of land classification boundaries, and
14 the monumenting thereof following ground survey;

15 c) Delineation refers to the conduct of site investigation, field reconnaissance and
16 assessment, and staking of boundaries between forestlands, national parks and agricultural lands
17 verified in the field in accordance with the criteria set forth under Department of Environment
18 and Natural Resources Administrative Order No. 2008-24;

19 d) Forest lands refer to all lands of the public domain already classified as forest land as
20 per existing land classification maps issued by the Department of Environment and Natural
21 Resources (DENR) including all permanent forest reserves proclaimed as such by the President
22 or declared by law, and such areas within the unclassified lands of the public domain that were
23 assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations;

24 e) Production forest refers to a forest area designated primarily for production of wood,
25 fiber, bio-energy and/or non-wood forest products;

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

4 g) Protection forest refers to a forest whose value lies in the regulating of stream flow and
5 the prevention of erosion and avalanches rather than in its timber; and

6 h) Tenured migrant refers to forest occupants who have actually and continuously
7 occupied a portion of the forest and is solely dependent therein for subsistence. A forest occupant
8 is understood to be “solely dependent therein for subsistence” when everything indispensable for
9 survival for the household, including food, clothing, shelter and health, comes only from the
10 utilization of resources from the forest.

11 **Sec. 4. *What Constitutes the Forest Lands.*** - The following shall constitute the
12 Forest lands, to wit:

13 (a) all lands of the public domain already classified as forestland as per existing land
14 classification maps issued by the DENR;

15 (b) all permanent forest reserves proclaimed as such by the President or declared by law;
16 and

17 (c) such areas within the unclassified lands of the public domain that were assessed and
18 delineated by the DENR in accordance with pertinent laws, rules and regulations and
19 which may hereafter be classified as forest land by the DENR.

20 **Sec. 5. *Guidelines in Determining the Specific Limits of Forest Lands.*** - The following
21 guidelines and procedures shall be followed in determining the specific limits of forestlands in
22 the country:

23 a) The previously-established Land Classification (LC) survey lines per province with
24 their respective technical descriptions (TDs) and maps shall be the basic data and
25 information that will be used as reference material in undertaking the validation,
26 assessment and delineation process.

27 b) All completed assessment and delineation reports for a given province shall be
28 endorsed to the National Review and Evaluation Committee as created herein to be
29 headed by the Secretary of the DENR Secretary for final approval.

30 c) The same process shall be followed for other provinces with on-going assessments and
31 delineation activities until such time that all the boundaries of forest lands of the whole
32 country shall have been delimited: *Provided*, That all assessments, validations and
33 delineations shall be completed not later than one (1) year after the passage of this Act.

34 **Sec. 6. *Creation of the National Review and Evaluation Committee.*** - In recognition of
35 the Constitutional mandate as embodied in Section 4, Article XII thereof, and in view of the
36 urgent need to establish the permanent limits of the forest lands of the country, a National
37 Review and Evaluation Committee is hereby created to process, evaluate and approve all
38 completed assessment and delineation reports referred to in the immediately preceding Section.

1 The Committee, in its evaluation and approval of the said reports, shall adhere strictly to existing
2 established laws, policies, rules, regulations and guidelines pertinent thereto.

3 The Committee shall be composed of the following:

4 a) Secretary of the DENR as Chairman;

5 b) Director-General of the National Economic and Development Authority as Vice
6 Chairman;

7 c) Secretary of the Department of Interior and Local Government as Member;

8 d) Secretary of the Department of Agriculture as Member;

9 e) Secretary of the Department of Agrarian Reform as Member;

10 f) Chairman of the Housing and Urban Development Coordinating Council as
11 Member;

12 g) Chairman of the National Commission on Indigenous Peoples (NCIP) as Member; and

13 h) President of the League of Provinces as Member.

14 Upon approval of the assessment and delineation reports as herein specified, the
15 Committee shall submit the same to Congress which shall thereafter form part of its official
16 records. The assessment and delineation reports as approved by the Committee shall be adopted
17 as constituting the final boundaries of the forest lands covered by the said report.

18 **Sec. 7. Demarcation and Delimitation of Final Forest Land Boundary.** - Immediately
19 after the final forest line has been determined following the guidelines prescribed in Section 5
20 hereof, the DENR shall delimit and establish the permanent boundary monuments on the ground.

21 **Sec. 8. Permanency of the Specific Forest Limits.** - The permanent forest lands
22 established pursuant to this Act shall not be diminished nor reduced except by an Act of
23 Congress. The DENR, in coordination with all agencies and branches of government, shall
24 ensure that the forest cover and vegetation therein shall be protected, preserved and enhanced.

25 **Sec. 9. Sub-classification of the Permanent Forest Lands.** - The permanent forest lands
26 shall be further sub-classified as follows: (a) protection forests; and (b) production forests.

27 After due consultation with the local government units (LGUs), concerned communities,
28 and other stakeholders, the DENR shall undertake the sub-classification of the permanent forest
29 lands.

30 **Sec. 10. Recognition of the Rights of the Indigenous Cultural Communities/Indigenous**
31 **Peoples and Tenured Migrant Communities.** - In the ground delineation of the permanent forest
32 limits, the occupation by indigenous cultural communities/indigenous peoples and tenured
33 migrants shall be recognized and respected consistent with the provisions of Republic Act No.
34 7160 or the Local Government Code of 1991, Republic Act No. 8371 or the Indigenous Peoples
35 Rights Act (IPRA) of 1997, and Presidential Decree No. 705, as amended, or the Forestry Code
36 of 1975.

1 **Sec. 11. Accessibility of Record to the Public.** - All records and information pertaining to
2 the specific forest limits delineated pursuant to this Act shall be made available to all local
3 government units (LGUs), other government agencies, and to the general public.

4 **Sec. 12. Monitoring, Evaluation, and Reporting System.** - To attain the objectives of this
5 Act, a field monitoring, evaluation and reporting system shall be adopted by the DENR Secretary
6 to regularly keep track of the state of the country's forestlands after their delimitation. Toward
7 this end, at the opening of each Session of Congress, the DENR shall submit a report to the
8 President on the status of the forestlands for transmission to Congress.

9 **Sec. 13. Creation of the Adjudication Board to Resolve Controversies on Land**
10 **Classification Conflicts** - A Land Classification Conflict Adjudication Board, herein referred to
11 as the Board, is hereby created to resolve controversies arising from land classification as a result
12 of the delimitation of forest lands pursuant to this Act. The Board shall be composed of the
13 following:

- 14 (a) Secretary of the Department of Justice (DOJ) as Chairman;
15 (b) Administrator of the Land Registration Authority as Member;
16 (c) Representative from the Integrated Bar of the Philippines (IBP) as Member;
17 (d) Representative from a reputable College of Forestry as Member; and,
18 (e) Representative from the private sector as Member.

19 **Sec. 14. Powers and functions of the Adjudication Board.** - The Board shall have the
20 following powers and functions:

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

27 In any proceeding before the Board, the Rules of Evidence prevailing in courts of law or
28 equity shall not be controlling and it is the spirit and intention of this Act that shall govern. The
29 Board shall use all reasonable means to ascertain the facts in each case speedily and objectively
30 and without regard to technicalities of law or procedure, all in the interest of due process. In any
31 proceeding before the Board, the parties may be represented by legal counsel.

32 The findings of fact of the Board shall be conclusive and binding on the parties and its
33 decision or order shall be final and executory.

34 A petition for review by *certiorari* and question of law may be filed by the aggrieved
35 party with the Supreme Court within thirty (30) days from receipt of the order or decision of the
36 Board.

37 **Sec. 15. Appropriations.** - The Secretary of the DENR shall include in the Department's
38 budget program the implementation of this Act, the initial funding of which shall be charged

1 against the current year's appropriations of the Department and thereafter included in the annual
2 General Appropriations Act.

3 Funds for the implementation of the provisions of this Act may also be supplemented
4 from any available Official Development Assistance (ODA) and from joint projects between
5 agencies of the Philippines and an assisting country.

6 Local government units may also allocate counterpart funds to be taken from their
7 Internal Revenue Allotment (IRA) and other LGU income for the delineation of the forest limits
8 within their respective territorial jurisdictions.

9 **Sec. 16. *Implementing Rules and Regulations.*** - Within three (3) months from
10 the effectivity of this Act, the DENR Secretary shall issue the corresponding Implementing
11 Rules and Regulations for the effective implementation of this Act.

12 **Sec. 17. *Separability Clause.*** - If any portion of this Act is declared unconstitutional, the
13 same shall not affect the validity and effectivity of the other provisions not affected thereby.

14 **Sec. 18. *Repealing Clause.*** - All laws, decrees, letters of instruction, executive orders,
15 rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby
16 repealed or modified accordingly.

17 **Sec. 19. *Effectivity.*** - This Act shall take effect fifteen (15) days after its complete
18 publication in the Official Gazette or in two (2) newspapers of general circulation in the
19 Philippines.

20 Approved,