



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

'13 JUL 24 P4:27

SENATE

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Senate Bill No. 1093

By Senator Teofisto "TG" L. Guingona III

EXPLANATORY NOTE

The Forest Resources Bill ultimately aims to ensure the efficient, sustainable and reasonable utilization of the country's forest resources. The protection, conservation, utilization, development and sustainable management of forest resources are in line with the Constitutional mandate that "the state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." The right to a balanced and healthful ecology carries with it the correlative duty to refrain from impairing the environment.¹ This Constitutional policy declaration is further enhanced by Section 1, Book IV, Title XIV of Executive Order No. 292, or the Administrative Code of the Philippines which states:

Section 1. Declaration of Policy. The State shall ensure, for the benefit of the Filipino people, the full exploration and development as well as the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources, consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment and the objective of making the exploration, development and utilization of such natural resources equitably accessible to the different segments of the present as well as future generations.²

Biodiversity in the Philippines is one of the richest in the world; we are part of the 17 "mega-diverse" countries which collectively claim two thirds of all global species. But two-thirds of our forests have vanished from the 1930s to 1988, and with the loss of the forests came the loss of many species, some probably forever.³

We have to conserve our forests because healthy forests mean a steady supply of food, medicine, and shelter for wildlife. They also mean income from timber, crops, fruit trees, firewood and other non-timber products for people. Forests are also indispensable in this era of climate change, because they are effective in trapping carbon dioxide, regulating climate, protection from heavy rains and storms, and minimizing flash floods and landslides. They are also our main source

¹ Oposa vs. Factoran (G.R. No. 101083 July 30, 1993)

² Section 1, Book IV, Title XIV of Executive Order No. 292, or the Administrative Code of the Philippines.

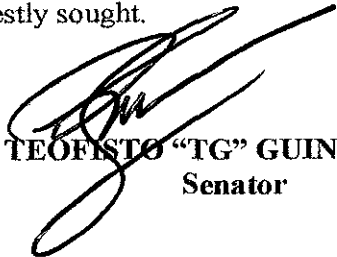
³ "The Forest Resources Bill," Haribon Policy Paper No. 5, CY 2010.

of clean air and water. Lastly, forests have many other intangible values: historical, educational, social and cultural/aesthetic.⁴

The main features of this bill include the following: (1) the functional definition of "forest" is used; (b) all remaining natural forests are protected; (c) forest restoration is prioritized; (d) the watershed continuum is recognized as the basic forestland management unit; (e) Indigenous people and other forest communities can harvest forest products from protection forestlands for subsistence; and (f) Local government communities have important roles in forest management.

Ours is a finite earth. Ultimately, we have to prioritize a competent, steadfast and comprehensive management of our forest resources for our present and future generations.

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



TEOFISTO "TG" GUINGONA III
Senator

⁴ Ibid.



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Senate Bill No. **1093**

By Senator Teofisto "TG" L. Guingona III

**AN ACT TO PROTECT, CONSERVE, UTILIZE, DEVELOP AND SUSTAINABLY
MANAGE FOREST RESOURCES AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Short Title.** This Act shall be known as the "Forest Resources Act of 2013".
2

3 **SECTION 2. Scope and Coverage.** The provisions of this Act shall apply to all lands of the public
4 domain classified as needed for forestry purposes, all forestlands, all forest resources found in
5 untitled agricultural lands and in private lands: *Provided,* That all forests and forest resources found
6 in protected areas established under the National Integrated Protected Areas System (NIPAS) shall
7 be sustainably managed and developed following the provisions of Republic Act No. 7586 or the
8 NIPAS Act of 1992: *Provided further,* That the rights of indigenous cultural communities or
9 indigenous peoples to their ancestral domains shall be respected.
10

11 All forestlands and forest resources therein under the administrative jurisdiction of the Autonomous
12 Region of Muslim Mindanao (ARMM) shall be managed, developed and conserved in accordance
13 with the Regional Sustainable Forest Management Act of 2003 of the ARMM.
14

15 **SECTION 3. Basic Policies.**

16 a. Pursuant to the provisions of the Constitution to promote the general welfare and social
17 justice in all phases of national development, to protect and advance the right of the
18 Filipino people to a balanced and healthful ecology in accord with the rhythm and
19 harmony of nature, and to conserve and develop the patrimony of the nation, the State
20 hereby adopts the following policies relative to the management, development and
21 conservation of forests and the resources therein:

22 i. Within five (5) years from the passage of this Act, the specific limits of
23 forestlands shall be fixed and demarcated and thereafter, shall not be altered
24 except through an Act of Congress; The Congress shall, as soon as possible, also
25 determine, by law, the specific limits of forestlands and national parks, marking
26 clearly their boundaries on the ground. Thereafter, such forestlands and national
27 parks shall be conserved and may not be increased nor diminished, except by law.

- 1 The Congress shall provide for such period as it may determine, measures to
2 prohibit logging in endangered forests and watershed areas;
- 3 ii. The use and conservation of forest resources shall bear a social, ecological,
4 biological and economic functions, responsibility, and accountability to promote
5 the common good of the present and future generations;
 - 6 iii. The guiding principle in the sustainable and integrated management,
7 development, and conservation of forest resources shall be focusing on these
8 resources and on the people who manage, conserve, and benefit from them;
 - 9 iv. Biodiversity protection and conservation of wildlife resources and their habitats,
10 consistent with Republic Act No. 9147 shall be a paramount consideration in
11 forest management.
 - 12 v. Genetically Engineered (GE) and transgenic trees pose the gravest of dangers to
13 forest ecosystems and violate the *Convention on Biological Diversity*.
- 14
- 15 b. The state shall protect the rights of indigenous cultural communities/indigenous peoples
16 to their ancestral domains to ensure their economic and social and cultural well-being and
17 shall recognize the applicability of customary laws in governing property rights or
18 relations in determining the ownership and extent of ancestral domains;
 - 19 c. The State shall promote social justice in all phases of national development;
 - 20 d. The State shall encourage non-governmental, community-based, or sectoral organizations
21 that promote the welfare of the nation;
 - 22 e. The State shall ensure the autonomy of local governments; and,
 - 23 f. The State shall pursue an independent foreign policy. In its relations with other states, the
24 paramount consideration shall be national sovereignty, territorial integrity, national
25 interest, and the right to self-determination.
- 26

27 In carrying out the above policies, the following strategies shall be pursued:

- 28 1. The watershed continuum as the basic forestland management unit-
29 Forestlands shall be managed, developed and conserved utilizing
30 watershed continuum as the basic management unit and under the
31 principles of sustainable and multiple-use management, including
32 conservation of biological diversity;
- 33 2. Multi-sectoral participation- The participation of all direct and indirect,
34 especially local, stakeholders in sustainable forestland conservation,
35 management, and development shall be mandatory. Equitable sharing of
36 the benefits derived from forestlands and the resources therein shall be
37 ensured at all times;
- 38 3. Community-based forest management (CBFM) as a principal strategy-
39 Vesting access rights and responsibilities to forest resident or forest-
40 dependent families, local communities, and indigenous peoples to
41 undertake the management and development of appropriate forestland
42 resources on a sustainable basis shall have precedence over other
43 strategies;
- 44 4. Protection of forests and natural resources as a priority concern- The
45 protection of forests and the natural resources therein shall be given
46 priority concern in order to ensure environmental stability, conserve
47 biological diversity, improve ecosystem functions and services, and

- 1 provide long-term ecological and economic benefits;
- 2 5. Reforestation as a priority measure- Reforestation shall be undertaken as a
- 3 priority measure to restore the ecosystem functions and services of forests
- 4 as well as improve the economic and ecological benefits of local
- 5 communities concerned;
- 6 6. Security of tenure of stakeholders- Pursuant to the principles of
- 7 sustainable and multi-use forest management and equitable access to
- 8 forest resources, a secured tenure shall be guaranteed to
- 9 stakeholders concerned; and
- 10 7. Professionalism in forest service – A dynamic, professional and people-
- 11 oriented forest service strongly adhering to conservation principles shall
- 12 be established and fully supported by the State.
- 13

14 **SECTION 4. *Definition of Terms.*** As used in this Act, the following terms shall be defined as

15 follows:

16

- 17 a. "Agroforestry" refers to a strategy for the sustainable management of land which
- 18 increases their overall productivity by properly combining agricultural crops and/or
- 19 livestock with forest crops simultaneously or sequentially through the application of
- 20 management practices which are compatible with the local climate, topography, slope,
- 21 soil, as well as the cultural patterns or customary laws of the local communities;
- 22 b. "Agricultural lands" refers to Alienable and Disposable (A&D) lands of the public
- 23 domain which have been delimited, classified and declared as such, pursuant to the
- 24 provisions of Commonwealth Act No. 141, as amended, otherwise known as the Public
- 25 Land Act;
- 26 c. "Ancestral Domains" refers to all areas generally belonging to indigenous cultural
- 27 communities/indigenous peoples (ICCs/IPs) comprising lands, inland waters, coastal
- 28 areas, and natural resources therein, held under a claim of ownership, occupied or
- 29 possessed by ICCs/IPs, by themselves or through their ancestors, communally or
- 30 individually since time immemorial, continuously to the present except when interrupted
- 31 by war, force majeure or displacement by force, deceit, stealth or as a consequence of
- 32 government projects or any other voluntary dealings entered into by government and
- 33 private individuals/corporations, and which are necessary to ensure their economic, social
- 34 and cultural welfare. It shall include ancestral lands, forests, pasture, residential,
- 35 agricultural, and other lands individually owned whether alienable and disposable or
- 36 otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and
- 37 other natural resources, and lands which may no longer be exclusively occupied by
- 38 ICCs/IPs but from which they traditionally had access to for their subsistence and
- 39 traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic
- 40 and/or shifting cultivators;
- 41 d. "Ancestral Lands" refers to land occupied, possessed and utilized by individuals, families
- 42 and clans who are members of the ICCs/IPs since time immemorial, by themselves or
- 43 through their predecessors-in-interest, under claims of individual or traditional group
- 44 ownership, continuously, to the present except when interrupted by war, force majeure or
- 45 displacement by force, deceit, stealth, or as a consequence of government projects and
- 46 other voluntary dealings entered into by government and private individuals/corporations,
- 47 including, but not limited to, residential lots, rice terraces or paddies, private forests,

- 1 swidden farms and tree lots;
- 2 e. "Assisted Natural Regeneration" or "ANR" covers any set of activities that enhance the
3 natural processes of forest regeneration. These include promoting the natural
4 establishment and subsequent growth of indigenous forest trees, whilst preventing any
5 factors that might harm them, e.g. competition from weeds, browsing by cattle, fire etc.
6 ANR relies on existing natural processes; it requires less labor input than tree planting
7 and is therefore a very cheap way to restore forest ecosystems. ANR is appropriate
8 wherever the natural processes of forest regeneration are, to some extent, already
9 happening. At least few seed trees/ mature seed-bearing rainforest trees should exist
10 nearby to provide seed rain in the area. Seed-dispersing animals should remain common
11 in the vicinity. Sites which already support a high density of tree saplings and sprouting
12 tree stumps are particularly suited to ANR.
- 13 f. "Biological diversity or biodiversity" refers to the variability and variety among living
14 organisms including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the
15 ecological complexes of which they are part. This includes diversity within the species
16 (genetic diversity), between species (species diversity), and among ecosystems
17 (ecosystem diversity);
- 18 g. "Climate change" refers to a change in climate that can be identified by changes in the
19 mean and/or variability of its properties and that persists for an extended period typically
20 decades or longer, whether due to natural variability or as a result of human activity;
- 21 h. "Commercial logging" refers to the cutting or felling of trees for the purpose of disposing
22 the cut or felled logs for monetary profits beyond survival and subsistence;
- 23 i. "Communal forest" refers to a tract of forestland set aside and established for and under
24 the protection, administration, and management of a city, municipality, or barangay as a
25 source of wood material for fuel, shelter, and manufactured products; as source of water
26 for the community; and as an area for ecotourism and/or environmental protection or
27 socio-economic projects of local government units consistent with the policies and
28 objectives of this Act and principles of sustainable development;
- 29 j. "Community-Based Forest Management Strategy" refers to the strategy to improve the
30 well-being of forest dependent communities, and at the same time ensure sustainable
31 management, rehabilitation and protection of forestlands and the resources therein,
32 through the active participation of various stakeholders;
- 33 k. "Conservation" refers to the planned protection and management of forests, wildlife and
34 other forest resources so as to prevent waste and ensure future use;
- 35 l. "Conveyance" refers to any vehicle, vessel, device or animal used in gathering and/or
36 transporting forest products;
- 37 m. "Co-management agreement" refers to an agreement entered into by the DENR and a
38 local government unit/s to protect, restore, develop or manage forestlands, including
39 mangroves and its forest resources, within the geographic jurisdiction of such local
40 government unit/s consistent with the provisions of this Act;
- 41 n. "Co-production agreement" refers to an agreement entered into by and between a
42 qualified person and the government, in accord with the 1987 Constitution, for the former
43 to develop, utilize, and manage, consistent with the principles of sustainable
44 development, land or a portion of a forestland wherein both parties agree to provide
45 inputs and share the products or their equivalent cash value;
- 46 o. "Critical habitat" refers to a place or environment where species or subspecies naturally
47 occur or has naturally established its population that are crucial to the survival of a

- 1 species and essential for its conservation;
- 2 p. "Critical watershed" refers to areas designated by the Secretary pursuant to the Wildlife
3 Resources Conservation and Protection Act and for their ability to supply water for
4 domestic, agriculture and/or industrial use;
- 5 q. "Degraded forests" refers to forests with varying degrees of disturbance or loss of
6 structure, function, species composition and productivity of less than 60% forest cover;
- 7 r. "Delimitation" refers to the establishment of permanent boundaries between forestlands,
8 national parks/protected areas and agricultural lands as a result of demarcation;
- 9 s. "Delineation" refers to the establishment of boundaries between forestlands, national
10 parks/protected areas and agricultural lands as a result of a conduct of site investigation,
11 reconnaissance and field verification in accordance with the criteria set by the
12 Department;
- 13 t. "Demarcation" refers to the establishment of boundaries using visible markers,
14 monuments or known natural features/landmarks, among others, as result of the actual
15 ground delineation;
- 16 u. "Denuded forestlands" refers to forestlands that are devoid of forest tree cover;
- 17 v. "Department" refers to the Department of Environment and Natural Resources (DENR);
- 18 w. "Environmental Impact Assessment" or "EIA" refers to the process of predicting the
19 likely environmental consequences of implementing a project or undertaking and
20 designing the appropriate preventive, mitigating, or enhancement measures;
- 21 x. "Environmental Compliance Certificate" or "ECC" refers to the document issued by the
22 Department certifying that a proposed project or undertaking will not cause a significant
23 negative impact on the environment; that the proponent has complied with all the
24 requirements of the Environmental Impact Assessment System; and that the proponent is
25 committed to implement its approved Environment Management Plan found in the
26 Environmental Impact Statement (EIS) or mitigation measures identified in the Initial
27 Environmental Examination (IEE);
- 28 y. "Environmental Impact Statement System" or "EIS System" refers to the organization,
29 administration, and procedures that have been institutionalized pursuant to Presidential
30 Decree No. 1586 for purposes of assessing the significance of the effects of any project or
31 undertaking on the quality of the physical, biological, and social-economic environment
32 and designing the appropriate mitigating and enhancement measures;
- 33 z. "Environmentally Critical Project" refers to project or program that has high potential for
34 significant negative environmental impact;
- 35 aa. "Forest" refers to an ecosystem or an assemblage of ecosystems dominated by trees and
36 other woody vegetation; a community of plants and animals interacting with one another
37 and its physical environment. It shall consist of trees with overlapping crown of 60-
38 100% forest cover;
- 39 bb. "Forest guard" refers to any public officer who by the nature of his appointment or the
40 functions of the position to which he is appointed is delegated by law and regulations or
41 commissioned by competent authorities to execute, implement or enforce the provisions
42 of this Act and other related laws and regulations;
- 43 cc. "Forest products" refers to goods and services derived from forest such as, but not limited
44 to, timber, lumber, veneer, plywood, fiberboard, pulpwood, bark, tree top, resin, gums,
45 wood oil, honey, bees wax, nipa, rattan, or other forest growth such as grass, shrub and
46 flowering plants, the associated water, fish, game, as well as its scenic, historical,
47 educational, social and ecological value;

- 1 dd. "Forest resources" refers to all resources, whether biomass such as plants and animals
2 including its by-products and derivatives, which can be a raw material, or non-biomass
3 such as soil, water, scenery, as well as the intangible services and values present in
4 forestlands or in other lands devoted for forest purposes;
- 5 ee. "Forest/Forest-Dependent Community" refers to a group of people residing inside or
6 immediately adjacent to a particular forestland who are largely or partly dependent on the
7 forest resources found therein for their livelihood;
- 8 ff. "Forestlands" refers to lands of the public domain classified as needed for forest
9 purposes. They shall include all forest reserves, forest reservations and all remaining
10 unclassified lands of the public domain;
- 11 gg. "Genetic engineering" refers to genetic modification, or a special form of biotechnology
12 in which a section of DNA from one organism is introduced into another, in which it does
13 not naturally occur, in order to produce a genetically modified organism (GMO) with
14 favorable properties based on the new combination of genes. The new genes in the
15 transgenic organism may be from an entirely different type of organism, or from a closely
16 related lineage.
- 17 hh. "Genetically modified organisms" or "GMOs" refers to organisms in which the genetic
18 material has been altered in a way that does not occur naturally. GMOs can be bacteria,
19 fungi, viruses, plants or animals, with the exception of human beings;
- 20 ii. "Grazing land" refers to a portion of the public domain which has been set aside, in view
21 of its topography and vegetation, for the raising of livestock;
- 22 jj. "Greenhouse gas" refers to any gas that absorbs infrared radiation in the atmosphere.
23 Greenhouse gases include water vapor, carbon dioxide (CO₂), Methane (CH₄), nitrous
24 oxide (N₂O), halogenated fluorocarbons (HCFCs), ozone (O₃), perfluorinated carbons
25 (PFCs) and hydrofluorocarbons (HFCs);
- 26 kk. "Indigenous Cultural Communities/Indigenous Peoples" or "ICCs/IPs" refers to a group
27 of people or homogenous societies identified by self-ascription and ascription by others,
28 who have continuously lived as organized community on communally bounded and
29 defined territory, and who have, under claims of ownership since time immemorial,
30 occupied, possessed and utilized such territories, sharing common bonds of language,
31 customs, traditions and other distinctive cultural traits, or who have, through resistance to
32 political, social and cultural inroads of colonization, non-indigenous religions and
33 cultures, became historically differentiated from the majority of the Filipinos. ICCs/IPs
34 shall likewise include people who are regarded as indigenous on account of their descent
35 from the populations which inhabited the country, at the time of conquest or colonization,
36 or at the time of inroads of non-indigenous religions and cultures, or the establishment of
37 present state boundaries, who retain some or all of their own social, economic, cultural
38 and political institutions, but who may have been displaced from their traditional domains
39 or who may have resettled outside their ancestral domains;
- 40 ll. "Industrial Forest Management Agreement" or "IFMA" refers to a production-sharing
41 contract entered into by and between the Department and a qualified person, whether
42 natural or juridical, wherein the former grants to the latter the exclusive right and
43 responsibility to invest in, develop, manage, and protect a defined area of the production
44 forestland, including the establishment, management and utilization of industrial timber
45 forest plantation, consistent with the principle of sustainable development, primarily to
46 supply the raw material requirements of wood-based processing and energy-related
47 industries and wherein both parties share in the benefits therefrom;

- 1 mm. "Industrial Tree Plantation" or "ITP" refers to any tract of land planted mainly to
2 timber producing species, including rubber and/or non-timber species primarily to supply
3 the raw material requirements of forest-based industries, energy-generating plants, and
4 related industries.;
- 5 nn. "Joint venture agreement" refers to an agreement where a joint-venture company is
6 organized by the State and another person for protection, restoration and utilization,
7 development and management of forestlands consistent with the prescribed activities
8 allowed under this Act, with both parties having equity shares. Aside from earnings in
9 equity, the State shall be entitled to a share in the gross output;
- 10 oo. "*Kaingin*" refers to a portion of the forest land, whether occupied or not, which is
11 subjected to shifting and/or permanent slash-and-burn cultivation having little or no
12 provision to prevent soil erosion;
- 13 pp. "*Kaingin* making" refers to a process employed to establish a *kaingin*;
- 14 qq. "Key Biodiversity Areas" refers to places of international importance for the conservation
15 of biodiversity;
- 16 rr. "Master Plan for Forestry Development" refers to the twenty-five (25) year strategic
17 program of the Forestry Sector envisioned to guide its long term development. This
18 program includes: (a) policy and institutional development; (b) restoration and
19 rehabilitation c) watershed and forestry development; (d) livelihood and poverty
20 reduction; and (e) timber/non-timber industry development;
- 21 ss. "National Park" refers to the land of public domain classified as such in the 1987
22 Philippine Constitution which includes all areas under the National Integrated Protected
23 Areas System (NIPAS) pursuant to RA 7586, primarily set aside and designated for the
24 conservation of native plants and animals, their associated habitats and cultural diversity;
- 25 tt. "Non-government organization" or "NGO" refers to a non-stock, non-profit, and
26 voluntary organization;
- 27 uu. "Non-timber based industries" refers to various industries that are dependent on raw
28 materials or products derived from forests such as, but not limited to, rattan, bamboo,
29 vines, latex, resins, saps, essences, fruits, flowers or wild flora and fauna;
- 30 vv. "Non-timber charges" refers to the levy imposed and collected by government on various
31 industries that are dependent on raw materials or products derived from forests such as,
32 but are not limited to, rattan, bamboo, vines, latex, resins, saps, essences, fruits, flowers
33 or wild flora and fauna, as well ecological and aesthetic services;
- 34 ww. "Non-timber forest products" refers to all products gathered from the forest that are not
35 timber, which include, but are not limited to, rattan, bamboo, vine, herb, exudates, gum,
36 resin, beeswax, gutapercha, and almaciga resin;
- 37 xx. "Permit" refers to a short-term privilege or authority granted by the State to a person to
38 utilize any limited forest resource or undertake a limited activity within any forest land
39 without any right of occupation, possession, and ownership therein;
- 40 yy. "Person" refers to a natural or juridical person, including local forest communities and/or
41 indigenous peoples organized in accordance with law or custom;
- 42 zz. "Plantation forestry" refers to the planting of one or two species for the sole purpose of
43 harvesting;
- 44 aaa. "Primary forest" refers to forest which have never been subject to human disturbance
45 or has been so little affected by hunting, gathering and tree cutting that its natural
46 structure, function and dynamics have not undergone any changes that exceed the elastic
47 capacity of the ecosystem;

- 1 bbb. "Processing plant" or "Processing mill" refers to any mechanical set-up, device,
2 machine or combination of machines used for the conversion of logs and other forest raw
3 materials into lumber, fiberboard, pulp, paper or other finished wood products;
4 ccc. "Production forestlands" refers to the forestlands defined under Sec. 8(b) of this Act;
5 ddd. "Production sharing agreement" refers to an agreement wherein the State grants a
6 person/s, who provides all the necessary financing, technology, management and
7 personnel, the exclusive right to conduct forestry development activities within but not
8 title over, the contract area and shares in the production whether in kind or in value as
9 owner of forest product therein;
10 eee. "Protected Areas" refers to identified portions of land and water set aside by reason of
11 their unique physical and biological significance, managed to enhance biological
12 diversity and protected against destructive human exploitation. They shall constitute the
13 areas established under the National Integrated Protected Areas System (NIPAS) pursuant
14 to RA 7586 and shall fall under the National Park classification of public domain;
15 fff. "Protection forestlands" refers to the forestlands defined under Sec. 8 (a) of this Act;
16 ggg. "Reforestation" refers to all land use activities directed towards restoration,
17 establishment and sustained management using native species of diversified vegetation
18 on denuded, degraded and/or marginal lands, including but not limited to the planting and
19 tending of timber, orchard and multi-use trees;
20 hhh. "Reservation" refers to an area of the public domain reserved by law for a specific
21 purpose;
22 iii. "Restoration" refers to the bringing back of the forestland to its original state in terms of
23 species composition, structure, function and productivity;
24 jjj. "Restoration zones" refers to the area where restoration activities are conducted and
25 where the original vegetation shall be restored;
26 kkk. "Road" refers to bulldozed land which is accessible by at least a two-wheel motorized
27 vehicle;
28 lll. "Rotation" refers to the number of years between the initial establishment of a plantation
29 and the time when it is considered ready for harvesting;
30 mmm. "Secondary forest" refers to a former forest that was logged over and is characterized
31 by residuals;
32 nnn. "Secretary" refers to the Secretary of the DENR;
33 ooo. "Semi-finished wood products" refers to wood products requiring final stages of
34 manufacture and/or assembly such as, but not limited to, window components, table tops,
35 veneer, tongue and groove planks, steps for stairs, and other similar products;
36 ppp. "Silvicultural practices" refers to any action by man to further improve or enhance the
37 stand growth as a whole or the single tree for future harvest including assisted natural
38 regeneration and tree surgery, among others;
39 qqq. "Subdivision" refers to a tract or parcel of land partitioned into individual lots, with or
40 without improvements thereon, primarily for residential purposes;
41 rrr. "Sustainable development" refers to development that meets the needs of the present
42 without compromising the ability of the future generations to meet their own needs;
43 sss. "Sustainable forest management" or "SFM" refers to the process of managing a forest to
44 achieve one or more clearly specified objectives of management with regard to
45 production of continuous flow of desired forest products and services without undue
46 reduction of its inherent values and future productivity and without undesirable effects on
47 the physical and social environment;

- 1 ttt. "Tenure" refers to the guaranteed peaceful possession and use of specific forest land area
2 and specific resources found therein, covered by an agreement, contract, or grant which
3 cannot be altered or abrogated without due process;
- 4 uuu. "Timber-based industries" refers to industries that are dependent on wood as the
5 principal raw material including but not limited to sawmilling, pulp and paper making,
6 and plywood and veneer manufacturing or the upstream wood-based industries, as well as
7 the secondary and tertiary wood processing or downstream industry such as moldings and
8 furniture manufacturing;
- 9 vvv. "Timber charges" refers to the levy imposed and collected by the government on
10 timber products cut, harvested, or gathered from production forestlands and from
11 alienable and disposable (A&D) lands in accordance with Republic Act No. 7161;
- 12 www. "Timber License Agreement" or "TLA" refers to a privilege granted by the State to a
13 person to utilize forest resources within an area with the right of possession and
14 occupation thereof to the exclusion of others except the government, but with the
15 corresponding obligation to develop, protect, and rehabilitate the same in accordance
16 with the terms and conditions set forth in the said agreement;
- 17 xxx. "Timber plantation" refers to a tree stand established by planting and/or seeding. The
18 stand is either of introduced species (all planted stands), or an intensively managed stand
19 of any indigenous species, which meets all the following criteria: one or two species at
20 plantation, even-aged class, and regular spacing for the primary purpose of harvesting
21 timber or any of its by-product;
- 22 yyy. "Transgenic" refers to a genetically modified organism (GMO) or genetically
23 engineered organism (GEO) whose genetic material has been altered using genetic
24 engineering techniques. It is the process of introducing an exogenous gene into a living
25 organism so that the organism will exhibit a new property and transmit that property to its
26 offspring;
- 27 zzz. "Watershed Continuum" refers to an area consisting of the watershed and its divide
28 including its connection from the headwaters to the reef;
- 29 aaaa. "Watershed Continuum Management" or "WCM" refers to a management system that
30 will provide the optimum social, cultural, economic and environmental benefits to the
31 greatest number of people, particularly those living in, adjacent to, or downstream of,
32 individual watershed areas, while maintaining the biological and cultural heritage of the
33 country. It is the holistic multiple use and sustainable management of all the resources
34 within a spatial unit known as the watershed. The Watershed Continuum Management is
35 based on the following guiding principles: (1) Ecological sustainability; (2) Social and
36 cultural sustainability; (3) Economic sustainability; and (4) Institutional sustainability;
- 37 bbbb. "Watershed Reservation" refers to a forestland reservation established to protect or
38 improve the conditions of water yield thereof or reduce sedimentation;
- 39 cccc. "Wildlife" refers to wild forms and varieties of flora and fauna, in all developmental
40 stages; and
- 41 dddd. "Woodlots" refers to a track or plot of land planted with fast growing tree species
42 basically for fuelwood purposes. Woodlot is the major component in Rotational Woodlot
43 Agroforestry Systems which aim to satisfy house and regional fuelwood demand while
44 reducing harvesting pressure on local forests. Rotational Woodlot Agroforestry Systems
45 include the following components: (1) Establishment, which includes tree and crop
46 intercropping; (2) Fallow, which pertains to build up of wood and soil fertility; and (3)
47 Post-fallow, which pertains to wood harvesting and sequential cropping.

1
2
3 **CHAPTER II**
4 **CLASSIFICATION OF PERMANENT FORESTLANDS**
5

6 **SECTION 5. *Permanent Forestlands.*** All forestlands currently classified as such.
7

8 **SECTION 6. *Instruments within Permanent Forestlands.*** Titles, settlements, permits, lease,
9 and/or agreements within critical habitats, critical watershed areas, protected areas, important
10 biodiversity areas (IBAs), and key biodiversity areas (KBAs), shall be reviewed, and its legality
11 be determined. All erroneous titles, settlements, permits, leases and/or agreements or non-
12 compliance to and in violation of provisions of agreements shall duly be cancelled or revoked;
13 *Provided*, That the applicable provisions of the Indigenous Peoples Rights Act of 1997 (IPRA)
14 shall be respected. The LGU, upon endorsement from the Forest Management Board or *motu*
15 *proprio*, shall recommend to the Secretary revocation of these instruments. The Secretary, upon
16 recommendation or *motu proprio* revokes such instrument.
17

18 **SECTION 7. *Additional Areas to be Included as Permanent Forestlands*** The following lands are
19 needed for environmental protection and forestry purposes and shall not therefore be classified as
20 agricultural lands or for other land use:
21

- 22 a. Isolated patches of forest, regardless of size of area, with rocky terrain or which protect a
23 spring for communal use;
24 b. All mangroves and swamplands including twenty-meter wide strips thereof facing
25 oceans, lakes and other bodies of water not yet classified as alienable and disposable
26 lands;
27 c. Ridge tops and plateaus regardless of size found within or surrounded wholly or partially
28 by forestlands where headwaters emanate;
29 d. Twenty-meter wide strips of land from the edge of the normal high waterline of rivers
30 and streams with channels of at least five (5) meters wide which are not yet classified as
31 alienable and disposable;
32 e. Areas needed for other purposes of public interest such as research or experimental
33 purposes and others; and
34 f. Areas considered environmentally critical because of their vulnerability to damage from
35 landslides, volcanic eruptions, and other natural causes.
36

37 Owners who have acquired vested rights over lands enumerated above are required to
38 implement soil and water conservation measures, in coordination with the Department and the
39 appropriate local government unit. An Environmental Compliance Certificate (ECC) shall be
40 required in these environmentally critical areas in accordance with existing law: *Provided*, That the
41 Department, in coordination with the concerned local government unit, shall immediately take the
42 necessary steps to expropriate the property concerned, to impose the necessary fines, penalties and
43 costs of rehabilitation and implementation of the required soil and water conservation measures, and
44 to cancel and/or amend any title used thereon or impose fines or will be subject to cancellation or
45 revocation under any of the following conditions:

- 46 a. Failure of the owner, after due notice, to implement appropriate soil and water
47 conservation;

- 1 b. Failure of the owner/s to comply with ECC requirements when required;
2 c. The issuance of titles over such areas was accomplished through fraud, deceit,
3 misrepresentations or other anomalies; or
4 d. When public interest so requires.
5

6 *Provided further*, That the concerned LGUs may recommend to the DENR to file expropriation
7 proceedings given the conditions enumerated in this provision.
8

9 **SECTION 8. *Sub-Classification of the Permanent Forestlands.*** The permanent forestlands shall
10 be sub-classified into the following categories according to primary use:

- 11 a. **Protection forestlands** shall consist of all natural and restored forests including areas
12 identified as key biodiversity areas, critical habitats, freshwater, swamps, and marshes, all
13 areas along the bank of rivers and streams, and the shores of the seas and lakes
14 throughout their entire length and within a zone of three (3) meters in urban areas, twenty
15 (20) meters in agricultural areas, and forty (40) meters in forest areas, along their margins
16 which are subject to the easement of public use in the interest of recreation, navigation,
17 floatage, fishing and salvage shall also be sub-classified as protection forestlands. All
18 extractive industries such as, but not limited to, logging and mining are banned in these
19 protection forestlands; *Provided*, That the provisions of the IPRA shall be respected;
20 b. **Production forestlands** shall be all forestlands not sub-classified as protection
21 forestlands defined in this Section, and shall be devoted to the production of timber
22 and/or non-forest products or the establishment of industrial tree plantations, tree farms,
23 communal forests, agroforestry, grazing, or as multiple-use forests including water-based
24 energy areas such as but not limited to hydro and geothermal reservations: *Provided*, That
25 they shall be managed, developed, and utilized in accordance with a LGU-approved
26 management plan consistent with the prescribed Forestry Master Plan and based on
27 sustainable forest management principles: *Provided further*, That the department may
28 change the sub-classification of specific areas of production forestlands into protection
29 areas and recommend to Congress their establishment as part of the integrated protected
30 area systems in accordance with the NIPAS Act, or as critical habitat under the Wildlife
31 Resources Conservation and Protection Act: *Provided finally*, That ancestral domains
32 located within protection and production forests shall be governed by customary laws;
33 c. **Restoration areas** are areas to be designated in the management plan as such.
34 Designation of a restoration area is compulsory in all forest management plans.
35

36 **SECTION 9. *Demarcation and delimitation.*** Upon approval of this Act, the Congress shall
37 provide funds for the Department to demarcate on the ground the actual land classification lines:
38 *Provided*, That the Secretary, upon completion of the actual assessment of the demarcated land
39 classification lines, shall recommend to Congress the delimitation of the forestlands found to be
40 still suitable and capable for its purpose, *Provided further*, That the Department shall submit an
41 annual accomplishment report and that within five (5) years, has caused the complete
42 demarcation and delimitation of land classification lines.
43

44 **SECTION 10. *Availability of records.*** Records pertaining to the specific limits of forestlands shall
45 be made available to the public upon request. Moreover, the Department shall furnish all
46 provincial, municipal and city government copies of the maps of permanent forestlands located
47 within their respective territorial jurisdictions.

1
2
3 **CHAPTER III**
4 **ADMINISTRATION AND MANAGEMENT OF FORESTLANDS AND ITS RESOURCES**
5

6 **SECTION 11. *Jurisdiction and control of forestlands.*** The Department shall be the primary agency
7 responsible for the conservation, restoration and the sustainable utilization of forestlands and the
8 unclassified lands of the public domain. It shall formulate a national forestry master plan and the
9 policies promulgated in this Act. In coordination with LGUs and other government agencies, it
10 shall ensure that forestlands and unclassified lands of the public domain are managed, conserved,
11 developed, utilized and protected consistent with the policies promulgated in this Act; *Provided,*
12 that the management plan for protected areas shall be prepared in accordance with the provisions
13 of the NIPAS Act, the Wildlife Resources Act, the Local Government Code, and the IPRA, and
14 other relevant laws and international covenants, as well as other pertinent laws; *Provided further,*
15 That certain functions and powers of the Department may be devolved to the local government
16 units.
17

18 **SECTION 12. *Co-Management Agreement for the Devolution of Functions.*** The Department, the
19 Department of Interior and Local Government, and the concerned LGUs shall execute a co-
20 management agreement, which shall contain the program and schedule by which functions shall
21 be strategically devolved, providing for capacity-building and empowerment mechanisms.
22

23 **SECTION 13. *Powers and Responsibilities of the LGUs.*** Pursuant to the pertinent provisions of
24 Republic Act. No. 7160 or the Local Government Code, LGUs shall share the responsibility in
25 the sustainable management and utilization of forest resources within their territorial jurisdiction
26 including those assigned by law to other government agencies. The LGU and the Department
27 shall jointly undertake the preparation and implementation of forestland use and watershed
28 continuum management plans, consistent with the Ancestral Domain Sustainable Development
29 and Protection Plan (ADSDPP) and in consultation with other government agencies, local
30 communities, non- government organizations and other sectors. Partnerships with LGUs and
31 local communities are highly encouraged. Such plans shall be fully funded and made an integral
32 component of the LGU's Comprehensive Land Use Plan (CLUP).
33

34 The devolved functions include, but are not limited to, the following:

- 35 a) Implementation of community-based forestry projects, e.g. Community-based Forest
36 Management Agreements;
37 b) Establishment of reforestation projects except in protected areas and critical watersheds;
38 c) Completed family and contract reforestation projects;
39 d) Forest Land Management Agreements;
40 e) Community Forestry Projects;
41 f) Management and control of forests located in the LGU's jurisdiction;
42 g) Management, protection, rehabilitation and maintenance of small watershed areas which
43 are sources of local water supply as identified or to be identified by the DENR;
44 h) Enforcement of forestry laws; and
45 i) Prevention of forest fires, integrated pest management and protection against forest
46 invasive species.
47

SECTION 14. *Multisectoral participation.* In formulating conservation and management plans and

1 programs, multisectoral participation shall be required.

2
3 **SECTION 15. *Local Government Unit Consent and Consultation.*** – Proponents of all forestry
4 projects to be implemented in the LGUs' territorial jurisdiction shall strictly comply with
5 Sections 26 and 27 of the Local Government Code.

6
7 **SECTION 16. *Forest Board.*** A forest board (Board) shall be created at the Municipal level which
8 shall be composed of a representative from the LGU and representatives of different sectors
9 including but not limited to, women, farmers, fisherfolks, and indigenous peoples, shall set the
10 policy direction for the management, utilization and development of forestlands and resources
11 found within their respective jurisdictions in accordance with the watershed continuum plan.

12
13 **SECTION 17. *Functions of the Forest Board.*** The Board shall be responsible for the over-
14 all policy direction for the management of the forestlands and forest resources found within their
15 respective jurisdictions in accordance with the provisions of this Act. It shall review and
16 recommend implementation of programs and projects and perform oversight functions on
17 matters pertaining to environment and natural resources. It shall also participate in the review
18 and recommend relevant policies for the protection, conservation and restoration efforts within
19 the continuum and ensure the contribution of the forestry sector to national economy, ecological
20 sustainability and sustainable development closely adhering to the principles and action plans set
21 under Philippine Agenda 21 and its revised versions. It shall moreover facilitate the initiation of
22 the LGU's participation in the devolution program and shall monitor the transfer and
23 implementation of devolved functions at the LGU.

24
25 **SECTION 18. *Creation of a Municipal Environment and Natural Resources Office.*** A Municipal
26 Environment and Natural Resources Office (MENRO) is hereby created, including the position
27 for the Municipal Environment and Natural Resources Officer. The LGU shall ensure that funds
28 are available for the operations and salaries of personnel for this Office.

29
30 **SECTION 19. *Qualifications of a Municipal Environment and Natural Resources Officer.***
31 The Municipal Environment and Natural Resources Officer should have a background in
32 planning, natural and environmental science, and should be civil service eligible.

33
34 **SECTION 20. *Functions of the MENRO.*** The MENRO shall facilitate the preparation of
35 management plans. It shall recommend to the Board relevant policies for the protection,
36 conservation and restoration efforts within the continuum. It shall evaluate applications for forest
37 management agreements; monitor the performance of holders of all tenurial instruments issued
38 by the LGU and Department. The MENRO may recommend to DENR appropriate action with
39 regard to the implementation of pertinent laws, rules and regulations. The MENRO shall exercise
40 visitorial powers over the forestlands.

41
42 **SECTION 21. *Forest Management Committee within a watershed continuum.*** A forest
43 management committee shall be created under the Municipal Development Council.
44 Municipalities/cities falling within the same watershed continuum shall form a forest
45 management committee within the Provincial Development Council. *Provided further,* That
46 provinces falling under the same watershed continuum will create a committee within the
47 Regional Development Council. These committees shall be responsible for the preparation of the

1 required overall management plans, in relation to the direction set by their respective Forest
2 Boards.

3
4 **SECTION 22. *Forestlands under Other Government Agencies.*** Forestlands and/or portions
5 thereof which have been assigned by law to the administration and management of other
6 government agencies for a specific purpose prior to the passage of this Act shall remain under the
7 administration and management of these government agencies which shall be responsible for
8 their conservation, protection, and restoration. The Secretary and the concerned local chief
9 executive or their respective duly authorized representative shall exercise visitorial powers over
10 these forestlands. Moreover, these forestlands shall be administered in accordance with a forest
11 management plan embodied in the comprehensive forest management and land use plan of the
12 LGU, which shall be prepared by the concerned management committee of the watershed
13 continuum level within one (1) year from the effectivity of this Act. Said multisectoral body shall
14 periodically review, monitor, and evaluate the implementation of the said management plan.
15 *Provided, That* the harvesting of forest resources and building of roads and other infrastructure
16 therein shall be undertaken only with the prior approval of the LGU upon the endorsement of the
17 local forestry boards, and after compliance with EIS and ECC requirements: *Provided further,*
18 *That* the LGU shall endorse to the Secretary who shall recommend to Congress or the President
19 of the Philippines the reversion to the LGU of the jurisdiction and control over forestlands that
20 are no longer needed nor used for the purpose by which they have been constituted or in case the
21 agency concerned fails to rehabilitate, protect, and conserve the forestland resources in
22 accordance with the approved management plan. The LGU, in coordination with its forestry
23 board and consistent with the watershed continuum plan, shall determine the use of the reverted
24 forestlands.

25
26 **SECTION 23. *Forest Resources within Alienable and Disposable Lands.*** All forest resources
27 planted or raised within alienable and disposable lands belong to the holder of the instrument
28 giving rights to the claimant, who shall have the right to sell, contract, convey or dispose of the
29 same subject to a certification process to be developed by the Department. The Department shall
30 prepare the guidelines in coordination and cooperation with LGUs and multisectoral
31 consultations. Holders of said instruments who register their forests lands for forestry purposes
32 with the LGU shall be assisted in the preparation of a management plan consistent with the
33 watershed continuum management plan, and shall be entitled to appropriate incentives provided
34 under Section 44 herein, on reforestation in private lands: *Provided, That* alienable and
35 disposable lands devoted to the planting and harvesting of forest resources shall remain subject to
36 the provisions of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law or any
37 other similar law that may be enacted.

38
39 **SECTION 24. *Forest Resources within Production Forestlands.*** Resources, including non-timber
40 forest products, its by-products and its derivatives, whether naturally growing, planted or raised,
41 which have been taken or have been applied with some silvicultural practices, within production
42 forestlands shall be issued the appropriate permit, agreement or clearance. Any declaration of
43 forest resources as threatened shall be in accordance with the Wildlife Act and other relevant
44 laws.

45
46 **SECTION 25. *Logging in Production Forestlands.*** To ensure the conservation and sustainable use
47 of forest resources in production forestlands, holders of timber licenses, permits and/or

1 agreements shall submit to the LGU an Integrated Operations Plan (IOP) containing strict
2 environmental guidelines such as ECC compliance. All forest development activities such as
3 logging, reforestation, timber stand improvement, forest protection, and delivery of community
4 service within an area covered by timber concessions shall be consolidated under the IOP, which
5 shall be prepared by or under the supervision of an accredited private registered forester whose
6 signature and dry seal shall appear in the plan and the supporting documents submitted for this
7 purpose.
8

9 **SECTION 26. *Forest Resources within Protection Forestlands.*** Only non-timber forest products
10 shall be allowed to be extracted from protection forestlands and shall be issued the appropriate
11 permit, agreement or license, *Provided*, that harvesting or gathering of timber for subsistence use
12 of indigenous communities and forest communities shall be allowed but only in woodlots
13 established by the communities. Any declaration of forest resources as threatene, and other
14 restrictions shall be in accordance to the Wildlife Act.
15

16 **SECTION 27. *Absolutely Prohibited Activities in Protection Forestlands.*** Commercial logging,
17 mining and other similar extractive activities such as but not limited to treasure hunting shall be
18 absolutely prohibited in protection forestlands.
19

20 **SECTION 28. *Review of Reservations within Protection Forestlands.*** All reservations made
21 within protection forestlands shall be reviewed. Reservations which are contrary to the
22 provisions of this Act, including, among others, mineral or settlement reservations, shall be
23 withdrawn.
24

25 **SECTION 29. *Commercial Logging Ban in Protection forestlands.*** There shall be a permanent ban
26 on commercial logging activities in all protection forests defined, categorized, and sub-classified
27 in Section 8(a) herein. No licenses, permits, or agreements to cut any timber therein shall be
28 issued.
29

30 **SECTION 30. *Protection Forestlands covered by Existing Permits, Licenses and/or Agreements.***
31 All existing permits, licenses and agreements shall be reviewed, and, if protection forestlands are
32 found within an agreement or licensed area, such protection forestlands shall be immediately
33 excised from said permit, license and/or agreement, and the holder of the agreement or license
34 shall establish a buffer zone and delineate their boundaries with the production forestlands,
35 marking the same with concrete monuments, road, or infrastructure, or any other visible,
36 permanent, and practicable signs.
37

38 **SECTION 31. *Duty of the License Permit-holder.*** In coordination with the concerned LGU, the
39 agreement- or license-holders shall protect and conserve such protection area following a plan
40 consistent with the prescribed management plan for key biodiversity areas or similar strategies
41 by the Department. The agreement- or license-holder concerned shall be accountable for the
42 destruction of such protection forestlands that did not result from *force majeure*, and such
43 destruction shall serve as basis, in addition to the other violations enumerated in this Act hereof,
44 for the termination or revocation of the agreement, license, or permit, and the filing of proper
45 charges under the NIPAS Act and pertinent forestry laws, rules and regulations. In the absence of
46 a contractor or agreement holder over such production forestlands, the delineation of said
47 boundary shall be undertaken and prioritized by the Department.

1
2 **SECTION 32. *Non-Extension of Timber License Agreements.*** No extensions shall be made on any
3 existing TLA, and the area covered by the agreement shall automatically be sub-classified as
4 protection forestland after the representatives of the Department, the LGUs concerned, the
5 Department of Agrarian Reform, NGOs, peoples' organizations, and other stakeholders had
6 excluded degraded areas that may be subject of a reforestation project.
7

8 **SECTION 33. *Forest Resources within Ancestral Domains/Ancestral Lands.*** When forest
9 resources are within ancestral domains/ancestral lands which are otherwise production or
10 protection forestlands, aside from the necessary permit, license or agreement, the genuine free,
11 prior and informed consent of the indigenous communities shall also be secured, *Provided*, That
12 if the indigenous communities will themselves harvest these resources for their subsistence or
13 survival use, the provisions of IPRA shall apply and no permits shall be required as owners of
14 such resources, *Provided finally*, That, if the indigenous peoples will themselves harvest such
15 resources for commercial purposes, they shall be subject to the same limitations and conditions
16 as provided by this Act.
17

18 The National Commission on Indigenous Peoples (NCIP) shall coordinate and consult the
19 Department in providing assistance to the indigenous peoples in the sustainable management and
20 development of forest resources within ancestral lands and domains.
21

22 **SECTION 34. *Mandatory EIA.*** Any permit, license, agreement or any other instrument to develop
23 or use forestlands or resources therein, including those found within ancestral domains/lands that
24 would result in severe soil erosion or environmental degradation shall be subject to the
25 provisions of Environmental Impact Assessment (EIA) in accordance with Presidential Decree
26 No. 1151 or the Philippine Environmental Policy, Presidential Decree No. 1586, Establishing an
27 Environmental Impact Statement System, and this Act.
28

29 **CHAPTER IV**

30 **FOREST MANAGEMENT PLANNING, MONITORING AND ASSESSMENT**

31
32 **SECTION 35. *Forestry Master Plan.*** The Department shall periodically prepare the map, revisit or
33 review the Forestry Master Plan in consultation with local stakeholders, and shall revise the said
34 plan according to the provisions of this bill, taking also into consideration biodiversity
35 conservation, carbon sequestration and other matters of the same import. The Forestry Master
36 Plan shall be presented to all LGUs, and other stakeholders upon completion and shall be posted
37 in conspicuous areas and made accessible to the public.
38

39 **SECTION 36. *Sustainable Forest Management Planning.*** Subject to vested or prior rights, the
40 Department, in consultation and coordination with LGUs, other government agencies, local
41 communities, non-government organizations, individual and corporate entities, private sectors,
42 academic and research institutions, and other concerned sectors shall, within one (1) year from
43 the effectivity of this Act, develop and adopt a sustainable forest management strategy for each
44 well-defined watershed or other appropriate forest management unit based on criteria, indicators,
45 and standards for sustainable forest management which, at their minimum, address the following
46 requirements:
47

- 1 a. Rational allocation of forestland uses and promotion of land use practices that increase
- 2 productivity and conserve soil, water, and other forestland resources;
- 3 b. Protection of existing forest resources and conservation of biodiversity;
- 4 c. Restoration of denuded areas, making use of indigenous tree species for biodiversity
- 5 conservation in protection forests and buffer strips of water channels and bodies;
- 6 d. Establishment of tree plantations in production forest lands, private lands, and alienable
- 7 and disposable lands;
- 8 e. Enhancement of the socio-economic well-being of local communities including
- 9 indigenous peoples who are largely dependent on the forest for their livelihood;
- 10 f. Promotion of closer coordination between and among the Department, LGUs, other
- 11 national agencies, non-government organizations, local communities, the private sector,
- 12 academic and research institutions and other entities in the sustainable management of
- 13 forestlands;
- 14 g. Adoption of community-based forest management as a principal strategy in the
- 15 management of forestlands and resources; and,
- 16 h. Harmonization and integration of the forest management plan of forestlands and
- 17 resources with other plans, such as the forest management plan and the land use plans of
- 18 the LGUs, protected areas management plans in areas covered by the same, critical
- 19 habitat management plan, barangay development plan, CLUP of cities and municipalities
- 20 and physical framework plans of the provinces and the regional development plans, and
- 21 be consistent with the ancestral domain management plans and protected area
- 22 management plans areas covered.

23
24 The Department shall continue to adopt the Master Plan for Forestry Development subject to
25 periodic review every five (5) years.

26
27 **SECTION 37. *Watershed Continuum Management Strategy.*** The Watershed Continuum
28 Planning and Management Framework in Environment and Natural Resources shall be adopted.
29 The strategy for improved watershed resources management shall be demand-driven,
30 community-based, and multiple- and sustainable-use considering national priorities and concerns
31 of local stakeholders. Watershed continuum management programs initiated by the government
32 shall be guided by ecological, socio-cultural, economic, and institutional sustainability
33 principles. A National Watershed Information System shall be developed to guide policy
34 formulation, program development, and implementation of watershed continuum management
35 initiatives. The Department in consultation with the LGUs shall identify the watershed
36 continuum in the country and provide the maps for each.

37
38 **SECTION 38. *Prioritization of watersheds.*** A system of prioritization of watersheds shall be
39 pursued considering the following:

- 40
- 41 a. Biodiversity and environmental enhancement;
- 42 b. Cultural and historical value;
- 43 c. Water supply for domestic, irrigation, power, industrial, and commercial use;
- 44 d. Contribution to the economy; and
- 45 e. Effect on downstream areas.

46
47 **SECTION 39. *Forest Resource Database and Monitoring System.*** Areas identified by the

1 Department as forests as defined under this Act shall be verified and validated by the Forest
2 Development Center, including those within ancestral domains and lands. A centralized
3 forestland resource database shall be made available to the public at all times, online if possible,
4 which shall consist of comprehensive updated information on the physical, social, economic,
5 biological, environmental and cultural components of the country's forestlands and shall include
6 a log control monitoring or timber identification system to enable the Department and its field
7 offices to track the movement or transfer of timber and other forest products from a forestland
8 source to their end users. The Department shall conduct and/or update forest resource inventory
9 at least once every five (5) years to ensure effective management.

10
11 **SECTION 40. *Environmental Impact Assessment, Resource Accounting and Valuation.***

12 All new environmentally critical projects to be implemented in forestlands, such as harvesting,
13 grazing and other special uses, mineral prospecting and exploration, and road, infrastructure, and
14 mill construction, shall be subject to Environmental Impact Assessment (EIA) in accordance
15 with Presidential Decree No. 1151 or the Philippine Environmental Policy, and Presidential
16 Decree No. 1586, Establishing an Environmental Impact Statement System. A scientific resource
17 valuation of impacts of affected biophysical and environmental elements, and an extended
18 benefit cost analysis shall be used in the EISS. The Department shall design and implement a
19 system of regular periodic monitoring and assessment using the Criteria and Indicators as
20 framework and shall formulate appropriate standards as basis for assessing progress towards
21 sustainable forest management. Furthermore, the Department shall design and implement an
22 appropriate natural resources accounting and valuation system for various forestry initiatives.
23 The Department shall establish the total value of forestlands based on multiple uses, including
24 their environmental services.

25
26 **CHAPTER V**
27 **REFORESTATION AND RESTORATION**
28

29 **SECTION 41. *Restoration in Protection Forestlands.*** The restoration of all critical watersheds and
30 critical, denuded, and degraded forests within protection areas shall be prioritized. Only the use
31 of indigenous or native species in the restoration and rehabilitation of protection areas shall be
32 adopted to enhance biological diversity therein. The LGUs in coordination with the Department,
33 other government agencies, NGOs, local residents and communities, and other sectors
34 concerned, shall identify and prioritize forestlands to be reforested. The LGU, consistent with the
35 watershed continuum plan and the corresponding municipal forest land use plan may enter into
36 agreements with qualified persons, including forest community organizations, in the restoration
37 of protection forestlands.

38
39 **SECTION 42. *Identification of Restoration Forestlands.*** LGUs, in cooperation with the
40 DENR and other government agencies, NGOs, local residents and communities shall identify
41 and prioritize forestlands to be restored, *Provided*, priority restoration shall be a band of 200
42 meters from the boundary of protection areas and protected areas, abandoned mines and
43 abandoned and idle fishponds for mangrove restoration. For mangrove forests, the LGU shall
44 prepare a rehabilitation plan to restore mangroves in their area. *Provided further*, That an
45 accelerated restoration program in such identified priority protection forestlands shall be
46 undertaken to raise the forest cover therein at least fifty percent (50%) of the prioritized area
47 within five (5) years and eighty percent (80%) of the area within ten (10) years from effectivity

1 of this Act. The LGU shall allot funds to effectively accomplish restoration either by its own or
2 through permit, license and/or agreement in protection forestlands. The Department or other
3 agencies responsible for restoration shall give priority to local communities in the granting of
4 technical and financial assistance for restoration activities, *Provided finally*, That assisted natural
5 regeneration (ANR) shall be encouraged in protection forestlands.
6

7 **SECTION 43. *Reforestation or Tree Plantation Development in Production Forestlands.***

8 In accordance with Section 50 herein, the LGU may enter into joint venture, co-production, or
9 production-sharing agreement with qualified persons to reforest or to develop tree plantations in
10 production forestlands, *Provided*, that palm plantations and the like shall not be allowed in
11 production forestlands.
12

13 **SECTION 44. *Reforestation in Forestlands under the Jurisdiction of Other Government***

14 ***Agencies.*** Government agencies and institutions having management control over forestlands
15 pursuant to a law or grant shall be responsible for the reforestation of denuded and degraded
16 portions of such forestlands. The reforestation program of these agencies shall aim to increase
17 the vegetation of the degraded areas using native species, to be identified jointly by the
18 Department and agency concerned and multisectoral stakeholders. The concerned agency in
19 coordination with the LGU shall prepare the reforestation plan, consistent with the watershed
20 continuum plan and determine the ratio of forested areas at any given time. Failure to reforest
21 denuded and/or degraded forestland identified in the reforestation plan within the period herein
22 prescribed shall be sufficient ground to request for reversion of the said forestlands to the
23 jurisdiction and control of the LGU: *Provided, however*, That in areas where Community-based
24 Forest Management Strategy (CBFMS) shall be implemented or where there are existing
25 facilities for basic services such as water and power as allowed by the Department pursuant to
26 the provisions of this Act, the completion of the reforestation program shall be subject to the
27 conditions provided in the instrument to be awarded by the Department and the agency
28 concerned to the participating local community or individual or in the Forest Management
29 Agreement of contractors operating such facilities for basic services, as approved by the
30 Department. *Provided finally*, that whenever applicable, the use of ANR shall be preferred and
31 community-based forest management encouraged.
32

33 **SECTION 45. *Reforestation in Alienable and Disposable Lands and/or Private Lands.***

34 Reforestation or the establishment of tree farms or tree plantations in private lands guided by the
35 watershed continuum Plan shall be encouraged: *Provided*, That such private lands and other
36 alienable and disposable lands are not prime agricultural lands as determined or certified by the
37 Department of Agriculture (DA). The private landowner(s) shall also be entitled to the incentives
38 provided for under Section 44 herein: *Provided*, That such private tree plantations are duly
39 registered with the Department. Whenever applicable, use of ANR shall be preferred and
40 community-based forest management encouraged.
41

42
43 **SECTION 46. *Incentives of Reforestation or Restoration within Production Forestlands.***

44 To encourage qualified persons to engage in restoration or reforestation activities, the following
45 incentives shall be granted:
46

- 47 a. Upon the premature termination of the agreement at no fault of the holder, all depreciable

1 permanent and semi-permanent improvements such as roads, buildings, and nurseries
2 including the planted and standing trees and other forest crops introduced and to be
3 retained in the area shall be properly evaluated and the holder shall be entitled to a fair
4 compensation thereof, the amount of which shall be mutually agreed upon by both the
5 LGU and the agreement holder, and in case of disagreement between them, by arbitration
6 through a mutually acceptable and impartial third party adjudicator;

7 b. The agreement holder has the right to transfer, contract, sell, or convey his rights to any
8 qualified person following the guidelines to be issued by the Secretary, *Provided*, that if
9 such restoration or reforestation were conducted within ancestral domains/ancestral lands,
10 the transferee shall secure the free, prior and informed consent of the indigenous
11 communities of such ancestral domains/ancestral lands prior to such transfer; and,

12 c. In the event that the area restored has provided ecological services to the community,
13 user fees shall be allowed as incentives.
14

15 The Secretary may provide or recommend to the President or to Congress other incentives in
16 addition to those granted herein and in existing laws in order to promote reforestation and the
17 establishment of tree plantations, *Provided*, That in no case shall the Secretary provide incentives
18 that shall put the State at a gross disadvantage, nor shall the Secretary provide incentives of non-
19 payment of taxes or other rightful fees due to the State as provided by other laws.
20

21 **SECTION 47.** *Reforestation in Ancestral Domains/Ancstral Lands.* Reforestation in
22 ancestral domains/ancestral lands, if not undertaken by the ICCs/IPs themselves, shall require the
23 free, prior and informed consent of the ICCs/IPs.
24

25 **SECTION 48.** *Reforestation in Protection Forestlands.* The Department may contract out
26 the reforestation and/or management of protection forestlands to any person, *Provided*, that such
27 persons should meet the qualifications enumerated in Section 54. The Department shall
28 reasonably compensate such persons for such reforestation and/or management activities and
29 extend the necessary assistance in the reforestation and/or management of such protection
30 forestlands.
31

32 **SECTION 49.** *Voluntary Offer to Reforest.* Private landowners, whether natural or juridical
33 persons, may participate in reforestation and plantation development or similar programs of the
34 LGU or the Department, with the landowner contributing his land and the LGU or Department
35 furnishing funds to reforest the area on a co-production agreement: *Provided*, That the property
36 shall be exclusively devoted to the planting of forest species for at least one (1) rotation, which
37 undertaking shall be annotated at the back of the title of the property: *Provided*, further, That
38 prime agricultural lands as determined or certified by the DA shall not be the subject of a
39 voluntary offer to reforest.
40

41 **CHAPTER VI**
42 **COMMUNITY-BASED FOREST MANAGEMENT STRATEGY**
43

44 **SECTION 50.** *Community-Based Forest Management Strategy (CBFMS).* Whenever they
45 are present, forest resident families, communities, indigenous peoples and other communities
46 whose lives, culture and general well-being are intimately linked with the forests, shall be
47 entrusted with the responsibility to protect, manage, develop and utilize resources limited to

1 woodlots and non-timber forest products (NTFP) under the principle of stewardship. Timber
2 harvesting shall only be allowed in production forestlands designated in the Community
3 Resource Management Plans (CRMP). The Department together with the LGUs, and in
4 consultation with affected stakeholders and sectors, shall develop policies, criteria, guidelines
5 and tenurial instruments that will simplify and allow access of forest resident families, and local
6 communities to forestland resources. The LGUs will review all CBFMAs in their jurisdiction to
7 assess performance and determine membership status of the CBFMA-holder. The Department
8 together with the LGUs, in consultation with affected stakeholders and sectors, shall furthermore
9 develop policies, and guidelines that promote partnership between the private sector and forest-
10 based communities in pursuit of sustainable community forest management activities.

11
12 **SECTION 51. *Areas Available for CBFMS.*** Subject to prior or vested rights, the CBFMS
13 may be implemented on all appropriate forestlands excluding the ancestral domains/ancestral
14 lands of ICCs/IPs. Priority will be given to degraded and denuded forestlands.

15
16 The LGU may only allow the implementation of CBFMS in watershed reservations if it shall
17 promote their protection and rehabilitation; *Provided*, however that land-use practices and activities
18 therein are in accordance with a management plan duly approved by the Secretary and shall not
19 induce severe soil erosion and surface run-off; *Provided, further*, That no timber harvesting shall be
20 allowed in forests; *Provided also*, That no CBFM agreements shall be issued to non-ICCs/IPs within
21 ancestral domains/ancestral lands, *Provided finally*, CBFMAs shall not cover Certificate of Land
22 Ownership Awards (CLOAs) and other tenurial instruments.

23
24 **SECTION 52. *Community Resource Management in CBFM Areas.*** The management of
25 forestland resources in CBFM areas shall be embodied in a community resource management
26 plan, which shall contain the community's vision, aspirations, and strategies in the management
27 of forestland resources, which shall be consistent with the forestland use plan (FLUP). Qualified
28 communities shall be provided with appropriate long-term security of tenure, technical,
29 managerial and financial assistance, training; and other assistance, as the case may be, to
30 empower them to manage and benefit from the forestland resources on a sustainable basis.

31
32 **SECTION 53. *Qualified Participants.*** Organized forest communities shall be given priority
33 to participate in the CBFM program. Organizations eligible to participate in CBFM shall have
34 the following qualifications:

- 35 a. Members shall be Filipino citizens; and
36 b. Members shall be any of the following:
37 i. Traditionally utilizing the resource for their livelihood;
38 ii. Actually residing within the area for at least five (5) years; and
39 iii. Residing adjacent and actually tilling portions of the area to be awarded.

40
41 **SECTION 54. *Modes of Management Agreements.*** The conservation, protection, development,
42 utilization, and management of forestlands and/or forest resources shall be undertaken under the
43 supervision of the State through the LGUs. The State may directly undertake such activities or it
44 may enter into co-production, joint venture or production sharing agreement with qualified
45 Filipino citizens or corporations or associations over the management of production forestlands,
46 subject to relevant laws, rules and regulations, *Provided*, That interested local communities
47 through their organized and duly recognized associations shall be given priority in the grant of

1 appropriate instruments implementing the said agreements. Such instruments and/or agreements
2 shall have a duration of twenty-five (25) years, renewable for another twenty-five (25) years,
3 under such terms and conditions as may be provided by the Secretary, after observing the
4 qualification of the succeeding sections; *Provided further*, That management agreements shall not
5 be issued in favor of any person covering ancestral domains/ancestral lands without the free,
6 prior and informed consent of the concerned ICCs/IPs and the recognition and protection of
7 ICCs/IPs rights under pertinent laws;

8
9 Current valid and subsisting licenses, contracts, or agreements granted by the government for the
10 development, management, and utilization of forest resources within protection forestlands shall be
11 allowed to continue under the same terms and conditions until their expiry; *Provided*, That no
12 cutting or felling of trees shall be allowed within the said protection forestlands, *Provided further*;
13 That such agreements issued within ancestral domains should have had the free, prior, and informed
14 consent of the ICCs/IPs involved, otherwise, such license, contracts or agreements shall be cancelled
15 and revoked for violating the rights of said ICCs/IPs.

16
17 All agreements entered into pursuant to this section shall be subject to the approval of and
18 monitoring by the LGU, *Provided further*; That all applications and approved agreements shall be
19 posted in public places.

20
21 **SECTION 55. *Terms and Conditions of Agreements.*** The Department, in coordination with the
22 LGUs, and, having undergone multi-stakeholder consultations shall formulate rules and
23 regulations covering the relevant terms and conditions thereof.

24
25 **SECTION 56. *Minimum Conditions for the Issuance of Co-Production, Joint Venture and***
26 ***Production Sharing Agreement.*** The following provisions shall be the minimum conditions for
27 the issuance of co-production, joint venture and production sharing agreement:

- 28
29 a. The holder is a Filipino citizen;
- 30 b. The agreement holder shall furnish the necessary management, technology and financial
31 services when required, as determined by the Secretary;
- 32 c. Provision/s for government share of revenues and the manner of payment thereof;
- 33 d. Provision/s on consultation and arbitration with respect to the interpretation of the
34 agreement;
- 35 e. Provision/s for anti-pollution and environmental protection measures;
- 36 f. Provision/s prescribing the preferential use of indigenous tree species for tree plantations:
37 *Provided*, that in case of protections forestlands, only indigenous tree species shall be
38 used;
- 39 g. Provision/s for an effective monitoring scheme to be implemented by the LGU, which
40 shall include, but shall not be limited to periodic inspection of all records and books of
41 account of the agreement holders;
- 42 h. Commitment to community development including capacity building of local
43 stakeholders;
- 44 i. The submission of a management and development plan to be approved by the LGU; and
- 45 j. Other provisions that the LGU shall impose, upon the recommendation of the Director of
46 the FMB, that will improve and sustain the development and management of the
47 forestlands and its resources, which shall include, among others, a projection of annual

1 income and revenues generated, to be used as basis in the determination of government
2 shares.

3
4 **SECTION 57. *Transfer.*** No holder of a co-production, joint venture, or production sharing
5 agreement or contract shall sub-contract, transfer, exchange, sell or convey the same or any of his
6 right or interests therein without a written authority from the LGU. Moreover, no transfer shall be
7 authorized unless the agreement or contract has been in existence and active for at least three
8 consecutive years from issuance thereof: *Provided*, That the transferor has faithfully complied
9 with the terms and conditions of the said agreement or contract; the transferee has all the
10 qualifications and none of the disqualifications to hold the same; and the transferee shall assume
11 the obligations of the transferor. Failure to comply with these conditions shall be sufficient cause
12 for the cancellation of the agreement or contract; *Provided further*, That if such agreement cover
13 ancestral domains/ancestral lands, the free, prior and informed consent of the ICCs/IPs involved
14 with regard to such transfer shall be secured, otherwise, said agreement shall be cancelled.

15
16 **SECTION 58. *Non-Timber Forest Products.*** Rattan, bamboos, vines, herbs, exudates and other
17 non-timber forest products are integral parts of the forest ecosystem. The planting and
18 sustainable management of non-timber producing species shall be encouraged and supported,
19 *Provided*, That they are indigenous species. The development, management and utilization of
20 non-timber forest products shall be allowed in accordance with the FLUP, and corresponding
21 laws and regulations enforced by the LGU and consistent with guidelines to be promulgated by
22 the Department in compliance with national and international policy or agreements.

23
24 **SECTION 59. *Priority to Harvest, Utilize, Gather or Collect NTFP.*** In granting permits to harvest,
25 utilize, gather or collect non-timber forest products, in their natural or original state from
26 forestlands, priority shall be given to forest resident families, local communities, and indigenous
27 peoples living nearest the subject forestlands; *Provided*, That the wildlings collected from the
28 forests shall be utilized for nursery establishments, research and development and shall be
29 subject to guidelines formulated in the establishment of nurseries

30
31 **SECTION 60. *Silvicultural and Harvesting System.*** The Department shall formulate the
32 appropriate silvicultural and harvesting system and all measures shall be taken to achieve an
33 approximate balance between growth and harvest that is consistent with the NBSAP. The use of
34 forest products from production forestlands shall be promoted and practiced.

35
36 **SECTION 61. *Mangrove forest.*** Cutting in mangrove forests shall be prohibited. The Department
37 shall formulate a program for the restoration of mangrove forests and shall promote strategies
38 that are consistent with biodiversity conservation or enhance biodiversity.

39
40 **SECTION 62. *Grazing.*** Land for grazing purposes shall only be limited to production forestlands.
41 The Department shall identify and delimit areas suitable for grazing purposes: *Provided*, That no
42 forestland fifty percent (50%) in slope or over may be utilized for grazing purposes: *Provided*
43 *also*, That vegetation should be sufficient for livestock prior to the grant of such permits,
44 *Provided, further*, That existing pasture lease agreements or forestland grazing lease agreements
45 shall be allowed to continue under the same terms and conditions until their expiry: *Provided*
46 *also*, That burning of grass for the purpose of grazing shall be prohibited; *Provided, finally*, That
47 abandoned or idle, expired, or cancelled grazing or pasture lands shall be subject to land use

1 capability assessment and or land use suitability assessment to determine their best use or
2 combination of uses. No new grazing or pasture permit, lease, or contract shall be issued, nor
3 existing ones allowed to continue unless covered by existing rules and regulations governing the
4 Philippine EIS System and subject to provisions in this Act.

5
6 Existing pasture lease agreements or forestland grazing lease agreements shall be subject to review
7 and monitoring by the LGU. Recommendations resulting from the review shall be given primary
8 basis for actions.

9
10 Applications for new pasture lease agreements or forestland grazing lease agreements shall be
11 reviewed and approved by the LGU and be covered by existing rules and regulations governing the
12 Philippine EIS System and subject to provisions of this Act

13
14 **SECTION 63. *Mining and Power Generation Operations in Forestlands.*** Forest resources inside
15 mineral reservations and permitted areas and their management and utilization are subject to the
16 provisions of this Act. Power generation and small-scale mining operations in forestlands, except
17 in protection forestlands may be allowed only after the issuance of an ECC and in compliance
18 with other relevant laws. Mining and power generation shall not be allowed in protection and
19 restoration areas, *Provided*, That micro-hydro or other renewable energy device may be allowed
20 subject to the provisions of this Act.

21
22 **SECTION 64. *Roads and Other Infrastructures.*** Roads and other infrastructure, including the
23 development of mineral reservations and energy resources inside forestlands, shall be constructed
24 with the least impairment to the resource values and with the least impact and disturbance to
25 biodiversity of the area found in such forestlands. Government agencies and their contractors
26 undertaking the construction of roads, bridges, communication and other infrastructure facilities
27 and installations inside forestlands shall seek prior authority from the Department and shall
28 comply with existing rules and regulations governing the Philippine EIS System, *Provided*, That
29 no roads or other infrastructure shall be constructed in protection forestlands.

30
31
32 **CHAPTER VIII**
33 **WOOD-BASED INDUSTRIES**

34
35
36 **SECTION 65. *Establishment and Operations of Timber-Based Industries.*** The State,
37 through the Department, may promote the establishment, operation, and development of timber-
38 based industries only in production forestlands.

39
40 **SECTION 66. *Incentives for Timber-Based Industries.*** All agreements pertaining to timber-
41 based industries shall also be subject to review by the Department under procedures to be
42 formulated by the Department with mandatory consultation with stakeholders. The following
43 incentives are hereby granted in addition to those already provided by law:

- 44
45 a. All processing plants or mills shall be assured of their supply of raw materials, preferably
46 but not exclusively from local sources;
47 b. All processing plants or mills shall be granted operating permits for five (5) years

1 renewable for another five (5) years: *Provided*, That permits for processing plants owned
2 or operated by holders of timber plantation agreements or contracts shall be co-terminus
3 with said agreements or contracts.
4

5 Warranties to and agreements with existing integrated forest-based plants to ensure the availability of
6 raw materials shall be subject to the process for as long as such integrated plants are operating.
7 Agreements or licenses over production forestlands granted to timber-based plants shall not be
8 automatically converted into any mode authorized in this Act. Holders of expired agreements may
9 apply for a new permit, license or agreement subject to the provisions of this Act. Permit holders are
10 allowed a period of twenty-five (25) years, renewable for another twenty-five (25) years, for a
11 maximum of fifty (50) years. Expansion in capacity of timber-based plants shall be encouraged and
12 the same shall be given priority access to production forestlands and other areas available for
13 development as source of raw materials.
14

15 **SECTION 67.** *Export and Sale of Locally Produced Wood Products.* No natural grown
16 trees shall be cut, gathered, harvested or removed from forests. Logs, lumber and other finished
17 products from tree plantations shall be exported only under such guidelines as the Secretary may
18 promulgate and certified as coming from the production forestlands by LGUs. A certification
19 process shall be formulated by the Department in consultation with key stakeholders.
20

21 **SECTION 68.** *Compliance of Grading Rules.* No person shall sell or offer for sale any log,
22 lumber, veneer, plywood or other manufactured wood products in the international or domestic
23 market without complying with the grading rules established by the government. Failure to
24 adhere to the established grading rules and standards, or any act of falsification on the volume of
25 logs, lumber, veneer, plywood or other wood products sold in the international or domestic
26 market shall be sufficient cause for the cancellation of export license, wood processing permit, or
27 other license or permit authorizing the manufacture or sale of such products.
28

29 **SECTION 69.** *Importation and Sale of Logs and Other Forest and Wood Products.* Logs,
30 lumber, and other forest- and wood-based products may be imported to the country subject to the
31 authorization of the Secretary and to the tariff and duties under Presidential Decree No. 1464 as
32 well as quarantine regulations. Any product manufactured or re-manufactured out of imported
33 forest and wood materials shall be allowed to be sold in the domestic or international market.
34 *Provided*, That the grading rules and standards therefore are complied with, otherwise the
35 sanctions in Section 69 hereof shall be imposed.
36

37
38 **CHAPTER IX**
39 **CHARGES, FEES AND GOVERNMENT SHARE**
40

41
42 **SECTION 70.** *Fees and Government Shares for the Utilization, Exploitation, Occupation,*
43 *Possession of and Activities within Forestlands.* The Department shall prescribe appropriate
44 government shares, including and rentals for the different kinds of utilization, exploitation,
45 occupation, possession, or activities within forestlands: *Provided*, That payment of or collection
46 of such fees and rentals shall be waived for parties/industries mandated by law to manage,
47 conserve, develop and protect forestlands and forest resources found therein, except

1 administrative fees for the filing and processing of applications for the issuance and renewal of
2 licenses, permits, and agreements: *Provided, further,* That watershed administrators and/or
3 service contractors that have forest management agreements with the Department as provided for
4 under Section 84 of this Act shall also be entitled to the waiver of fees, except administrative
5 fees.
6

7 The State shall collect government shares from income, rentals or other fees, as owner of the
8 resource and for its regulatory function. The guidelines to be formulated should ensure equitable
9 sharing between the national government and LGUs.
10

11 In order for the Department to prescribe appropriate and equitable fees for the use of water and other
12 forest resources by parties/industries concerned for power generation, domestic and industrial
13 irrigation, carbon sequestration and biodiversity benefits respectively, by parties/industries
14 concerned taking into consideration natural resource valuation in the assignment of fees and
15 ensuring equitable sharing of benefits between concerned national government agency and LGU, the
16 Department shall initiate the creation of an inter-agency task force for this purpose.
17

18 **SECTION 71.** *Timber Charges.* There shall be collected charges on each cubic meter of
19 timber cut in forestlands, using direct and indirect values, whether belonging to the first, second,
20 third or fourth group, twenty-five percent (25%) of the actual freight of board (FOB) market
21 price based on species and grading: *Provided, however,* That, in the case of pulpwood and
22 matchwood cut in production forestland, forest charges on each cubic meter shall be ten percent
23 (10%) of the actual FOB market price.
24

25 **SECTION 72.** *Charges on Firewood, Branches and Other Recoverable Wood Wastes of*
26 *Timber.* There shall be collected timber charges of one percent (1%) of the market price on each
27 cubic meter of firewood cut in production forestlands, branches and other recoverable wood
28 wastes of timber, such as timber ends, tops and stumps, when used as raw materials for the
29 manufacture of finished products, *Provided,* That the cutting of all mangrove species shall be
30 prohibited, *Provided further,* That only third of fourth group wood may be taken for firewood,
31 *Provided finally,* That, if jointly authorized by the Secretaries of both the Department and the
32 DA, first and second group woods may be removed from land which is more valuable for
33 agriculture than for forest purposes, subject to the charges in the preceding section.
34

35 **SECTION 73.** *Charges on Non-Timber Forest Products.* All other forest products of
36 forestlands which are not covered by the preceding section shall be exempted from any or all
37 forest charges, except rattans, gums resins, beeswax, guttapercha, almaciga, resin, bamboo,
38 vines, herbs, exudates and other species with commercial value, which shall be charged at ten
39 percent (10%) of the actual FOB market price.
40

41 **SECTION 74.** *Determination of Market Price of Timber and Non-timber Products.* The
42 actual FOB market price of timber products shall be justly determined once a year by the
43 Secretary: *Provided,* that the Secretary shall cause the creation of a committee to be composed of
44 representatives of the Department, the National Economic and Development Authority, the
45 Department of Trade and Industry, the Bureau of Internal Revenue and the wood and furniture
46 industry and consumers, LGUs, academe, NGOs and other concerned sectoral representatives
47 which shall formulate the criteria and/or guidelines in the determination of the actual FOB

1 market price taking into consideration direct and indirect values to be used as the basis for the
2 assessment of the *ad valorem* tax, taking into consideration production cost (developing cost,
3 contingencies, and miscellaneous cost), species and grade of timber, government share,
4 reforestation, tariff duties, taxes, risk involved, and a reasonable margin of profit for domestic
5 and export market prices for timber and timber products.
6

7 Timber charges shall also be applied to naturally growing timber and timber products gathered from
8 alienable and disposable lands and private lands. Timber charges collected shall be in lieu of the
9 administrative charge on environment and other fees and charges imposed thereon: *Provided*, That
10 planted trees and other timber products harvested from industrial timber plantations and private
11 lands covered by existing tiller or by approved land application are exempted from payment of
12 timber charges.
13

14 The duties incident to the measuring of timber products and the invoicing and collection of the
15 charges thereon shall be discharged by the LGU who shall likewise provide for the time, manner,
16 and place of payment of such charges under regulations of the Department.
17

18 **SECTION 75.** *Fees for Administrative Services Rendered by the Department.* Reasonable
19 fees shall be collected for various services rendered by personnel of the Department in
20 connection with their duties and responsibilities as may be requested by interested parties,
21 including but not limited, to surveying, mapping and other similar service activities: *Provided*,
22 That administrative fees shall be waived for services rendered to local communities or
23 indigenous peoples in the preparation of their management plans, *Provided further*, That a
24 percentage of the fees collected shall support the furtherance of formal forestry education.
25

26 **SECTION 76.** *Forest Conservation and Development Fund (FCDF).* A Forest
27 Conservation and Development Fund (FCDF) to be administered by the LGU is hereby
28 established to provide sustainable funds for forest protection, restoration and management,
29 including the operations of the municipal forest management boards, rehabilitation and
30 preservation of watershed areas, CBFM program, information and educational campaign as well
31 as scholarship programs, policy research and development. At least seventy percent (70%) of the
32 forest charges and government share in all products removed from the forestlands, rentals,
33 proceeds from sales of confiscated forest products including conveyances, fines and penalties,
34 and administrative fees collected shall be set aside for the buildup of the FCDF. The fund may be
35 augmented by grants, donations, endowment from various sources, domestic or foreign for
36 purposes related to their functions: *Provided*, That fees collected by the LGU consistent with the
37 management plans formulated shall directly accrue to the said LGU's account: *Provided, further*,
38 that a portion of the fees collected shall also go to the host communities, which protect and
39 maintain these watersheds, from which the headwaters emanate.
40

41 Disbursements from the fund shall be subject to the usual accounting and budgeting rules and
42 regulations: *Provided*, That no amount shall be disbursed to cover the operating expenses of the
43 Department and other concerned agencies. The forest management board will recommend to the
44 Municipal Council the thrusts for fund allocation.
45

46 **SECTION 77.** *Fees from Payment for Environmental Services (PES).* The ERDB shall formulate
47 a certain value to environmental services, taking into account the positive and negative spillovers of

1 the use of such resources or externalities, and establish appropriate pricing, institutional and
2 redistribution systems that will lead to sustainable and socially optimal land use practices. PES is a
3 form of payment for ecosystem services as a method of internalizing the positive and negative
4 externalities associated with a given ecosystem or a specific resource use.

5
6 **CHAPTER X**
7 **TREE PARKS**
8

9 **SECTION 78.** *Establishment of Tree Parks in Subdivision and Tree Planting on*
10 *Roadsides.* Every subdivision project to be developed after the passage of this Act shall include
11 the establishment of a tree park of not less than fifty percent (50%) of the required total open
12 spaces as provided in Section 2 of Presidential Decree No. 953, requiring the planting of trees in
13 certain places. Guidelines for the establishment of tree parks within a subdivision shall be
14 prepared jointly by the subdivision owner concerned, the Housing and Land Use Regulatory
15 Board (HLURB) and the Department. The subdivision owner shall provide the funds for this
16 purpose. These guidelines and allocation of funds shall be a condition precedent in the approval
17 of the subdivision plan.

18
19 For every major public road or irrigation construction project, the Department of Public Works and
20 Highways (DPWH) shall include the planting and maintenance of appropriate trees along the
21 road/highway or irrigation canals as landscaped areas every twenty-five (25) kilometers thereof,
22 whenever appropriate, and shall provide adequate funds for this purpose. Each city and municipality
23 shall also allocate adequate funds for the planting, care and maintenance of trees or perennial shrubs
24 in 'greenbelts' or 'green spaces' such as road/street sides, center islands, among others.

25
26 **CHAPTER XI**
27 **PROTECTION**
28

29
30 **SECTION 79.** *Assistance of Law Enforcement Agencies.* The LGUs and the Department
31 may call upon law enforcement agencies and instrumentalities of the Government such as the
32 Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), and the National
33 Bureau of Investigation (NBI) for the enforcement of the forest-related laws, rules and
34 regulations.
35

36
37 **SECTION 80.** *Role of Local Residents.* It shall be incumbent upon LGUs concerned to
38 render assistance in protecting and conserving forestlands within their respective territorial
39 jurisdiction. Qualified local residents may be deputized by the LGUs to assist in the drive against
40 illegal logging, *kaingin*-making and forestland occupation. These deputized residents shall
41 likewise be authorized to arrest forest violators within their communities subject to existing laws
42 and regulations on arrest and detention. The LGUs shall provide assistance to these deputized
43 residents in cases instances of citizens' arrests.
44

45 **SECTION 81.** *Prevention of Forest Fires.* The concerned LGUs, in cooperation with the
46 Bureau of Fire Protection (BFP) and the Department, shall formulate and implement a fire
47 prevention and control program.

1.
2 **SECTION 82.** *Control of Forest Pests and Diseases.* The Department shall likewise
3 formulate and implement a national integrated forest pest and disease management program
4 including quarantine procedures for imported forest seeds and forest products to prevent,
5 minimize or control forest pests and diseases in the reforestation strategies.
6

7 **SECTION 83.** *Prohibition on Genetically Engineered and Transgenic Trees.* Planting/
8 introduction and/or use of genetically engineered (GE) and transgenic trees are prohibited in all
9 forestlands.
10

11 **SECTION 84.** *Information and Rewards System.* The LGU shall establish an information
12 and rewards system as part of the community's participation in the protection of forest resources.
13 The rewards shall be payable immediately upon the establishment of *prima facie* proof of
14 violation. When an information given leads to the seizure of logs or timber and other forest
15 product and results in a conviction, the informer shall also be entitled to twenty percent (20%) of
16 the gross value of the recovered or seized forest resource. The implementation of the rewards
17 system shall be in collaboration with the Department, the Forest Management Board and the
18 Philippine National Police.
19
20

21 **CHAPTER XII**
22 **RESEARCH, EDUCATION, TRAINING AND EXTENSION**
23

24 **SECTION 85.** *Research and Technology Development Transfer.* Research and technology
25 development transfer shall be strengthened to support sustainable management of forest
26 resources. The Department, the Department of Science and Technology (DOST), the
27 Commission on Higher Education (CHED), and the State Universities and colleges shall, within
28 one (1) year from the passage of this Act, prepare a comprehensive sustainable national forestry
29 and environmental research and technology development and transfer program in furtherance of
30 sustainable forest management which shall be implemented, monitored, and reviewed in
31 accordance with existing research management systems. Adequate and sustainable funds to
32 implement research and technology development plans and transfer program shall be provided
33 by each of the aforementioned agencies and institutions under the General Appropriations Act.
34

35 Appropriate funds shall be allotted for research and development.
36

37 **SECTION 86.** *Public Information, Education and Advocacy Campaign.* With the support
38 from LGUs, NGOs, media and other organizations, the Department, the Philippine Information
39 Agency (PIA), the Department of Education (DepEd), CHED, State-owned and private
40 universities and colleges shall formulate and implement a nationwide program for sustained
41 public information and advocacy campaign for forest and natural resources conservation and
42 sustainable forest development and management. The DepEd shall include subjects on
43 environment, forest and natural resources in the curricula for elementary and high school
44 education. The CHED shall likewise include mandatory ecology and environment courses in the
45 general education curricula. Congress shall allocate funds to the Department for the purpose of
46 coordinating a systematic campaign to promote community ecological awareness, including the
47 preparation of informational and educational materials therefore. A percentage of appropriations

1 specified in Section 122 shall be set aside for this purpose.
2

3 **SECTION 87. *Formal Forestry, Agroforestry and environmental Education.***- The CHED,
4 in collaboration with the Department, the Board of Examiners for Foresters of the Professional
5 Regulations Commission (PRC), Philippines Forestry Education Network, Philippine
6 Agroforestry /education and Research Network, Environmental Education Network of the
7 Philippines and the duly accredited national professional foresters organization shall actively
8 pursue the rationalization of formal forestry education by assigning higher weights on non-
9 timber extraction subjects. The licensure exam shall require minimum units on forest restoration
10 related subject and the establishment of centers of excellence in forestry and environmental
11 education to ensure high quality manpower output to meet the needs of the forestry sector and
12 the country as a whole. The following areas shall be strengthened:

- 13 a. Sustainable forest management;
- 14 b. Natural resource management;
- 15 c. Biodiversity conservation;
- 16 d. Wildlife conservation;
- 17 e. Wildlife management;
- 18 f. Entrepreneurship on non-timber forest resources;
- 19 g. Environmental laws;
- 20 h. Forest restoration technology;
- 21 i. Environmental science; and
- 22 j. Community development.

23
24 **SECTION 88. *Continuing Education on Forestry.*** A non-formal program of continuing education
25 shall be established to maintain the growth of the forestry profession. The PRC Board of
26 Examiners for Foresters and the Civil Service Commission (CSC) shall provide the guidelines
27 for a program in continuing education in forestry. In cooperation with academic institutions, the
28 Department shall develop the infrastructures to institutionalize non-formal continuing education
29 for the forestry sector.
30

31 **SECTION 89. *Training Centers.*** In coordination with TESDA, DepEd, CHED and State
32 Universities and Colleges (SUCs) and other relevant institutions, stakeholders and local
33 communities, the Department shall establish and institutionalize a network of training centers in
34 strategic parts of the country to provide regular and up-to-date training on the various aspects of
35 sustainable forest management and restoration to forest guards, LGUs, NGOs, local
36 communities, and indigenous peoples. Furthermore, the Department shall ensure that personnel
37 appointed to critical and sensitive positions undergo training to prepare them to discharge their
38 duties and responsibilities professionally, efficiently and effectively.
39

40 **SECTION 90. *Policy Research and Development Network.*** The Department, through the
41 Ecosystem Research and Development Bureau (ERDB), and in collaboration with the SUCs and
42 private university and institutions, shall form part of a network to serve as the primary policy
43 research and development center for forestry and natural resources management. The Network
44 shall perform its functions in close coordination with the Department and other policy research
45 institutions in the country. It shall assist the Department in the formulation, review, and
46 evaluation of proposed and existing policies on forestry and natural resources management.
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CHAPTER XIII
OFFENSES AND PENALTIES

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SECTION 91. *Non-Establishment of Tree Parks/Communal Forests.* Any city, municipality or subdivision owner who fails to establish tree parks as provided in Sections 76 herein shall be punished by a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00). The subdivision plan will not be given approval until guidelines have been formulated and funds have been allocated for the purpose.

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SECTION 92. *Harvesting, Gathering and/or Collecting Timber or Other Forest Products without Authority.* Any person who shall harvest, cut, gather, collect, or remove timber or other forest products from any forestland, or timber from all forestlands, whether protection or production forestlands, or inside alienable and disposable public land and private lands except as provided, or forest resources in alienable and disposable lands without authority from the Secretary or found to possess the same without pertinent required legal documents shall be punished by imprisonment ranging from *prision mayor* minimum period to *reclusion temporal* minimum period and/or a fine equivalent to ten (10) times the value of the said forest product but not less than Fifty Thousand Pesos (50,000.00): *Provided*, That in the case of partnerships, associations or corporations, the president, managing partner, and general manager shall be held liable, and if such officer is an alien, he shall, in addition to the penalty, be deported without further proceedings on the part of the Bureau of Immigration and Deportation. Offenders who are public officials shall be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

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All timber or any forest products cut, gathered, collected, removed, or possessed and all the conveyances, machinery, equipment, implements, work animals, and tools used in connection with this violation shall be seized and confiscated in favor of the State.

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SECTION 93. *Illegal Cutting as an Act of Economic Sabotage.* Any of the acts enumerated in the preceding section committed by an armed group or by any group through organized and systematic manner, for commercial purposes, shall be considered an act of economic sabotage punishable by *reclusion perpetua*.

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The commission of any of the prohibited acts by two or more individuals with or without the aid of any mechanical device shall constitute a prima facie evidence that the act is organized and systematic.

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Any permittee/agreement holder who shall buy logs from unlicensed loggers or loggers operating without permits shall be considered in violation of this Act and, upon conviction, shall also be punished with *reclusion perpetua*.

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SECTION 94. *Use of Illegally Cut Timber in Government Infrastructure Projects.* Contractors of government infrastructure projects shall obtain certification from the Department that the logs or lumber to be used therein were obtained from legitimate sources. The use of illegally cut naturally grown timber from protection forests or illegally cut timber from production forests in government infrastructure projects shall be sufficient cause for the imposition of penalties

1 provided in Section 88, on harvesting of forest products without authority, and Section 89, on
2 illegal cutting as an economic sabotage, including the withholding of the payment to the
3 contractor.
4

5 **SECTION 95. *Grazing Livestock on Forestlands without a Permit.*** Any person found to have
6 caused the grazing of livestock in forestlands and grazing lands without an authority under a
7 lease or permit to graze, upon conviction, shall be penalized with imprisonment of not less than
8 two (2) years nor more than four (4) years and a fine equivalent to ten times the regular rentals
9 due in addition to confiscation of the livestock and all improvements introduced in the area in
10 favor of the government, and shall restore the affected area into the original state of the natural
11 resource; *Provided*, That in case the offender is a corporation, partnership, or association, the
12 officer or director thereof who directly caused or ordered such shall be liable. In case the
13 offender is a public officer or employee, he shall, in addition to the above penalties, be deemed
14 automatically dismissed from office and permanently disqualified from holding any elective or
15 appointive position in the government service.
16

17 **SECTION 96. *Unlawful Occupation or Destruction of Forestlands.*** Any person who, without
18 authority from the Secretary, enters and occupies or possesses, or engages in kaingin-making for
19 his own private use or for others, any forestland or grazing land, or in any manner destroys such
20 forestland or part thereof, or causes any damage to the timber stands and other forest product
21 found therein, or assists, aids or abets another person to do so, or sets a fire, or negligently
22 permits a fire to be set therein, or refuses lawful orders to vacate the area when ordered to do so
23 shall, upon conviction, be punished with penalties in the amount of not less than One Hundred
24 Thousand Pesos (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00) and
25 imprisonment of not less than six (6) years nor more than twelve (12) years for each offense:
26 *Provided*, That in the case of an offender found guilty of kaingin-making, the penalty shall be
27 imprisonment of not less than ten (10) years nor more than twelve (12) years and a fine
28 equivalent to eight times the regular forest charges due on the forest products destroyed without
29 prejudice to payment of the full cost of rehabilitation of the occupied areas as determined by the
30 Department: *Provided, further*, That the maximum of the penalty prescribed herein shall be
31 imposed upon the offender who repeats the same offense, and double the maximum penalty upon
32 the offender who commits the same offense for the third time or more. In all cases, the court shall
33 further order the eviction of the offender from the area occupied and the forfeiture to the
34 government of all improvements made therein, including all vehicles, domestic animals and
35 equipment of any kind used in the commission of the offense. If not suitable for use by the
36 Department, said improvements, vehicles, domestic animals and equipment shall be sold at
37 public auction, the proceeds from which shall accrue to the FCDF. If the offender is an alien, he
38 shall be deported after serving his sentence and payment of fines, without any further
39 proceedings. An offender who is a government officer or employee, shall, in addition to the
40 above penalties, be deemed automatically dismissed from office and permanently disqualified
41 from holding any elective or appointive position in the government service.
42

43 **SECTION 97. *Illegal Conversion of City or Municipal Parks, Communal Forests, and Tree Parks***
44 ***in Subdivisions.*** Any person found to have converted or caused the conversion of a city or
45 municipal park or communal forest, or tree parks within subdivisions established pursuant to Sec.
46 75 herein and Section 2 of Presidential Decree No. 953, requiring the planting of trees in certain
47 places, into other uses including the construction of permanent buildings therein, or in any

1 manner destroys or causes any damage to the timber stands and other forest product found
2 therein, or assists, aids or abets another person to do so, or sets a fire, or negligently permits a
3 fire to be set therein, upon conviction, shall be penalized by imprisonment of six (6) years and
4 one (1) day to twelve (12) years or a fine of not less than One Hundred Thousand Pesos
5 (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00), or both fine and
6 imprisonment at the discretion of the Court. The offender shall likewise be imposed a fine
7 equivalent to eight times the commercial value of the forest products destroyed without prejudice
8 to payment of the full cost of rehabilitation of the areas as determined by the Department.
9 *Provided, further;* That the maximum of the penalty prescribed herein shall be imposed upon the
10 offender who repeats the same offense, and double the maximum penalty upon the offender who
11 commits the same offense for the third time or more. The court shall further order the forfeiture
12 to the government of all improvements made therein, including all vehicles, domestic animals,
13 and equipment of any kind used in the commission of the offense. If not suitable for use by the
14 Department, said improvements, vehicles, domestic animals and equipment shall be sold at
15 public auction, the proceeds from which shall accrue to the FCDF. An offender who is a
16 government officer or employee, in addition to the above penalties, shall be deemed
17 automatically dismissed from office and permanently disqualified from holding any elective or
18 appointive position in the government service.
19

20 **SECTION 98. *Misdeclaration or Falsification of Reports on Forest Resource Inventory, Scaling,***
21 ***and Survey by a Government Official or Employee.*** Any public officer or employee who
22 knowingly misdeclares or falsifies reports pertaining to forest resource inventory, scaling, survey,
23 and other similar activities which are contrary to the criteria and standards established in the
24 rules and regulations promulgated by the Secretary thereof, after an appropriate administrative
25 proceeding, shall be dismissed from the service with prejudice to re-employment. Upon
26 conviction by a court of competent jurisdiction, the same public officer or employee shall further
27 suffer an imprisonment of not less than eight (8) years nor more than twelve (12) years and a fine
28 of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Five Hundred
29 Thousand Pesos (P500,000.00) and the termination of license to practice forestry if the offender
30 is a professional or registered forester: *Provided,* That the inventory, survey, scale, classification,
31 and similar reports referred herein shall be rendered null and void.
32

33 **SECTION 99. *Unlawful Operation of Sawmills.*** Any person operating a sawmill or mini-sawmill
34 without authority from the Secretary shall be punished by a fine of not less than Two Hundred
35 Fifty Thousand Pesos (P250, 000.00) and confiscation of the sawmill or mini-sawmill and
36 complementary equipment in favor of the government for appropriate disposition.
37

38 **SECTION 100. *Unlawful Operation of Wood Processing Plants and Downstream***
39 ***Industries.*** Any person operating a wood processing plant or downstream forest-based industry
40 without authority from the Secretary, shall be punished by, upon conviction by a court of
41 competent jurisdiction, imprisonment of not less than eight (8) years nor more than twelve (12)
42 years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) and confiscation of
43 the wood processing plant and complementary equipment in favor of the government. The
44 Department shall promulgate the necessary guidelines, subject to the provisions of this Act that
45 will define the terms and conditions for the operation of a wood processing plant and/or other
46 downstream forest-based industries.
47

1 **SECTION 101.** *Prohibition on the Issuance of Tax Declaration on Forestlands.* – Any
2 public officer or employee who issues a tax declaration for any purpose on any part of
3 forestlands, upon conviction, shall be penalized with imprisonment for a period of not less than
4 four (4) years nor more than eight (8) years and perpetual disqualification from holding an
5 elective or appointive office. The tax declaration shall be considered null and void. Tax
6 declarations within protection forestlands shall be reviewed and be cancelled after due process.
7

8 **SECTION 102.** *Unlawful Possession of Implements and Devices Used by Forest Officers.*
9 Any person found possessing or using implements and devices used by forest officers shall be
10 penalized with imprisonment of not less than eight (8) years nor more than twelve (12) years and
11 a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Five Hundred
12 Thousand Pesos (P500,000.00) in addition to the confiscation of such implements and devices
13 and the automatic cancellation of any license agreement, license, lease or permit.
14

15 Any forest officer who willingly allowed unauthorized person(s) to use these implements and
16 devices under his care shall be penalized with imprisonment of not less six (6) years and one (1) day
17 to no more than twelve (12) years and a fine of not less than One Hundred Thousand Pesos
18 (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00).
19

20 In addition, the said forest officer shall be dismissed from the service with prejudice to
21 reinstatement and with perpetual disqualification from holding an elective or appointive position.
22

23 **SECTION 103.** *Unauthorized Introduction of Logging Tools and Equipment Inside*
24 *Forestlands.* It shall be unlawful for any person or entity to possess, bring, or introduce any
25 logging tools or equipment inside forestlands without prior authority, from the Secretary or his
26 duly authorized representative. Any person found guilty of illegal possession of said logging
27 tools or equipment shall be liable to imprisonment of six (6) years and one (1) day to twelve (12)
28 years or a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Five
29 Hundred Thousand Pesos (P500,000.00) or both imprisonment and fine, and confiscation of said
30 logging tools and equipment in favor of the government.
31

32 **SECTION 104.** *Non-Payment and Non-Remittance of Forest Charges.* Any person who
33 fails to pay the amount due and payable as forest charges to the government shall not be allowed
34 to transport, convey, sell, nor use the timber or forest product. Moreover, failure to pay within
35 thirty (30) days upon assessment of forest charges shall be a ground for confiscation of the said
36 timber or forest product in favor of the government. Any person who fails or refuses to remit to
37 the proper authorities said forest charges collectible pursuant to the provisions of this Act or the
38 National Internal Revenue Code, as amended, or who delays, obstructs or prevents the same, or
39 who orders, causes or effects the transfer or diversion of the funds for purposes other than those
40 specified in said Acts shall, upon conviction, be imprisoned for not less than six (6) years nor
41 more than ten (10) years and fined from One Hundred Thousand Pesos (P100,000.00) nor more
42 than Five Hundred Thousand Pesos (P500,000.00). If the offender is a corporation, partnership,
43 or association, the officers and directors thereof shall be liable.
44

45 **SECTION 105.** *Institution of Criminal Action by Forest Officers.* Any forest officer shall
46 arrest any person who has committed or is about to commit, or is committing in his presence any
47 of the offenses defined in this chapter. The tools, animals, equipment and conveyances used in

1 committing the offense, and the forest products cut, gathered, taken or possessed by the offender
2 in the process of committing the offense shall also be seized and confiscated in favor of the
3 government. The arresting forest officer shall thereafter deliver within thirty-six (36) hours from
4 the time of arrest or seizure both the offender and the confiscated forest products, conveyances,
5 tools and equipment, or the documents pertaining to the same, and file the proper complaint with
6 the appropriate official designated by law to conduct preliminary investigation and file
7 information in court. If the arrest and seizure are made in the forest far from authorities
8 designated by law to conduct preliminary investigations, the delivery to and filing of the
9 complaint with the latter shall be done within a reasonable time sufficient for ordinary travel
10 from the place of arrest to the place of delivery. The seized forest products, materials,
11 conveyances, tools and equipment shall be immediately disposed of in accordance with the
12 regulations promulgated by the Secretary.

13
14 The Secretary may deputize any agency, barangay official, or any qualified person to protect the
15 forest and exercise the powers or authority provided for in the preceding paragraph. Reports and
16 complaints regarding the commission of any of the offenses defined in this chapter not committed in
17 the presence of any forest officer or any of the deputized officers shall immediately be reported to
18 the forest officer assigned in the area where the offense was allegedly committed. Thereupon, the
19 investigating officer shall receive the evidence supporting the report or complaint and submit the
20 same to the appropriate official authorized by law to conduct a preliminary investigation of criminal
21 cases and file the information in court.

22
23 The Secretary of Justice shall designate in every city and province a special prosecutor who shall file
24 charges against forest violators to ensure their speedy prosecution.

25
26 **SECTION 106.** *Liability of Custodian of Confiscated Forest Products.* Any public officer
27 who fails to produce the timber or forest products, including tools, conveyances, equipment, and
28 devices in his custody pursuant to a seizure or confiscation made thereon, or who shall
29 appropriate, take, misappropriate, or shall permit another person to take such timber forest
30 products wholly or partially, shall suffer the penalty provided for in Article 217, on Malversation
31 of Public Funds or Property, of the Revised Penal Code. In addition, the said public officer shall
32 be dismissed from service with prejudice to reinstatement and with perpetual disqualification
33 from holding any elective or appointive office.

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35
36 **CHAPTER XIV**
37 **ADMINISTRATIVE PROVISIONS**

38
39 **SECTION 107.** *Strengthening of the Forest Management Sector.* Only qualified
40 environmental management professionals and practitioners shall be appointed to the positions of
41 Director and Assistant Director of the FMB as well as to all other positions where the services of
42 professional foresters e.g. CENRO are required in accordance with existing laws and the relevant
43 rules and regulations issued by the Civil Service Commission (CSC) and the Professional
44 Regulations Commission (PRC).

45
46 **SECTION 108.** *Administrative Authority of the Secretary or his Duly Authorized*
47 *Representative to Order Confiscation.* In all cases of violations of this Act or other forest laws,

1 rules, and regulations, the Secretary or his duly authorized representative may order the
2 confiscation of forest products illegally harvested, cut, gathered, removed or possessed or
3 abandoned, and all conveyances used either by land, water, or air as well as all machinery,
4 equipment, implements, and tools used in the commission of the offense and to dispose of the
5 same in accordance with pertinent laws, regulations, or policies on the matter.
6

7 The Secretary may order that the sale of confiscated perishable forest resources at public
8 auction even before the termination of the judicial proceedings, following the applicable Rules on
9 Evidence, with the proceeds of such sale kept in trust to await the outcome of the judicial
10 proceedings.
11

12 No court of the Philippines shall have jurisdiction to issue any Writ of Replevin, restraining
13 order, or preliminary mandatory injunction in any case involving or growing out of any action by the
14 Secretary or his duly authorized representative in the exercise of the foregoing administrative
15 authority.
16

17 **SECTION 109.** *Cancellation of Permits, Licenses, Agreements.* The Secretary *motu proprio*
18 or upon the filing of a petition, may cancel any permit, license or agreement.
19

20 **SECTION 110.** *Administrative Authority of the Secretary to Impose Fines.* In all cases of
21 violations of this Act and other forest laws, rules and regulations where fine is the principal
22 penalty, the Secretary is hereby authorized to impose administratively the penalty consisting of
23 the amount and the schedules of the fine which shall be officially published in a national
24 newspaper of general circulation.
25

26 **SECTION 111.** *Authority of Forest Officers.* When in the performance of their official
27 duties, forest officers or other government officials or employees duly authorized by the
28 Secretary or deputized as such shall have free entry into areas covered by a contract, agreement,
29 license, lease or permit. Forest officers are authorized to inspect and to open closed vans
30 suspected to contain illegally harvested, collected or transported forest product: *Provided*, That it
31 is done in the presence of the shipper or consignee or two (2) responsible public officials in the
32 locality, *Provided further*, That in cases where entry shall be in ancestral domains/ancestral lands,
33 said persons shall secure the free, prior and informed consent of the ICCs/IPs therein. Forest
34 officers are authorized to administer oath, take acknowledgment in official matters connected
35 with the functions of their office, or take testimony in official investigations conducted under the
36 authority of this Act and the implementing rules and regulations issued by the Secretary pursuant
37 thereof.
38

39 **SECTION 112.** *Visitorial Powers.* The Secretary or his duly authorized representative shall,
40 from time to time, investigate, inspect, and examine records and other documents except bank
41 records related to the operation of any person granted the privilege, contract, or agreement to
42 utilize forest resources to determine compliance with the terms and conditions stipulated in the
43 grant, contract or agreement, this Act, and pertinent laws, rules, and regulations.
44

45 **SECTION 113.** *Transparency.* Records, agreements, applications and all other pertinent
46 documents as well as conditions to the same shall be made available to the public at all times.
47 Records pertaining to the specific limits of forestlands shall also be made available to the public.

1 Moreover, the Department shall furnish all provincial, municipal and city government units
2 copies of the maps of permanent forestlands located within their respective territorial
3 jurisdictions.
4

5 **SECTION 114.** *Other Incentives.* Twenty percent (20%) of the value of confiscated materials
6 shall be used as incentives to informants, forest management council, forest management boards,
7 including Department personnel. They shall also be entitled to free legal assistance should legal
8 cases be filed against them in the performance of official duties.
9

10 **SECTION 115.** *Suits and Strategic Legal Actions against Public Participation and the*
11 *Enforcement of This Act.* Where a suit is brought against a person who filed an action as
12 provided in Section 113 of this Act, or against any person, institution or government agency that
13 implements this Act, there being no grave abuse of authority, it shall be the duty of the
14 investigating prosecutor or the court, as the case may be, to immediately make a determination
15 not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue
16 pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of
17 this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss the
18 case and award attorney's fees and double damages. This provision shall also apply and benefit
19 public officers who are sued for acts committed in their official capacity, there being no grave
20 abuse of authority, and done in the course of enforcing this Act.
21

22 **SECTION 116.** *Citizens' Suits.* For purposes of enforcing the provisions of this Act or its
23 implementing rules and regulations, any citizen may file an appropriate civil, criminal or
24 administrative action in the proper court against:
25

- 26 a. any person who violates or fails to comply with the provisions of this Act or its
27 implementing rules and regulations; or
- 28 b. the Department or other implementing agencies with respect to orders, rules and
29 regulations issued inconsistent with this Act; and
- 30 c. any public officer who willfully or grossly neglects the performance of an Act
31 specifically enjoined as a duty by this Act or its implementing rules and regulations, or
32 abuses his authority in the performance of his duty, or in any manner, improperly
33 performs his duties under this Act or its implementing rules and regulations: *Provided,*
34 *however;* That no suit can be filed until after a thirty-day notice has been given to the
35 public officer and the alleged violator concerned and no appropriate action has been taken
36 thereon.
37

38 The court shall exempt such action from the payment of filing fees, and shall, likewise, upon *prima*
39 *facie* showing of the non-enforcement or violation complained of, exempt the plaintiff from the
40 filing of an injunction bond for the issuance of a preliminary injunction.
41

42 **SECTION 117.** *Protection to Witnesses in Cases Involving Violation of Forestry Laws.*
43 Witnesses to violations of this Act or other forestry laws and regulations, including the
44 immediate members of the family of said witnesses shall be given protection, security and
45 benefit, subject to the provisions of Republic Act No. 6981, otherwise known as "The Witness
46 Protection, Security and Benefit Act" and its implementing rules and regulations.
47

1 **SECTION 118. *Rule-Making Authority.*** In consultation with the NCIP, the DILG, the
2 Department of Finance, the leagues of provinces, cities, and municipalities, other government
3 agencies mentioned herein and other relevant stakeholders (i.e. academic institutions, NGOS),
4 the Department shall promulgate the implementing rules and regulations within one (1) year
5 from the effectivity of this Act.
6

7 **SECTION 119. *Congressional Oversight Committee.*** There is hereby created a
8 Congressional Oversight Committee composed of seven (7) members from the Senate
9 Committee on Environment and Natural Resources and seven (7) members from the House of
10 Representatives Committee on Natural Resources. The Chairpersons of the corresponding
11 committees shall also be the Co-chairpersons of the Oversight Committee.
12

13 The secretariat of the Oversight Committee shall be drawn from the existing secretariat
14 personnel of the committees comprising the oversight and the funding shall be taken from the
15 appropriations of both the House of Representatives and the Senate.
16

17
18 **CHAPTER XV**
19 **FINAL PROVISIONS**
20

21 **SECTION 120. *Transitory Provisions.*** Upon the approval of this Act, the Department shall
22 evaluate the conditions of all forestlands covered by existing TLAs, licenses, or permits and the
23 like, which shall be allowed to continue until their expiry; *Provided*, That cutting or felling of
24 trees in forests shall be prohibited, *Provided further*, that such TLA, license, permits and other
25 instruments shall be terminated for the following grounds:

- 26 a. When the licensee has been found to be a dummy of an otherwise disqualified or
27 unqualified person;
- 28 b. When the licensee has been found to be farming out the license or receiving royalty of
29 any kind;
- 30 c. When the licensee has been found to be cutting or operating outside the limits of the
31 license or within an area specifically designated or sub-classified by the Department as
32 protection forestland;
- 33 d. When the licensee has been found to be allowing illegally-cut timber to be invoiced under
34 its license;
- 35 e. When the licensee has been found to be inducing any other person to log in other areas in
36 violation of the Department's regulations;
- 37 f. Failure to submit to the Department the required copies of auxiliary invoices covering
38 timber manifested under the license;
- 39 g. Failure to leave undamaged an adequate stand of young trees for residual growing stock
40 or for seeding purposes and to employ the necessary number of laborers needed for
41 timber management work;
- 42 h. When the licensee has, for the third time after written warning, intentionally cut, injured
43 or destroyed trees marked by forest officers and unmarked poles and saplings for future
44 growing stock, seeding, or protection;
- 45 i. Failure to employ the required number of concession guards as determined by the
46 Department;
- 47 j. Failure to protect the concession or license area or parts thereof from being converted

- 1 into *kaingin*, or from illegal timber cutting, and other forms of trespass;
- 2 k. When the licensee has been found to have failed to put up the processing plant for the
- 3 area within the required period, when made a condition in the award of the area and the
- 4 grant of the license;
- 5 l. Failure to pay pending forest accounts;
- 6 m. Failure to maintain and make conspicuous the approved and established boundaries of his
- 7 concession or license area;
- 8 n. Failure to suspend operations within a conflicted area when so required by the
- 9 Department or its authorized representatives, pending final decision of the conflict;
- 10 o. Allowing a contractor to operate the license area or concession; and
- 11 p. Violation of any of the terms and conditions of the license, the NIPAS Act and its
- 12 implementing rules and regulations, the Wildlife Resources Conservation and Protection
- 13 Act, or any of the provisions of law on internal revenue and labor, and Department
- 14 regulations.

15

16 Any of the violations enumerated above will be cause for the immediate cancellation of the permit,

17 timber license agreement or any other similar instrument.

18

19 *Provided*, That the Department shall immediately take control of the land and consult with the

20 concerned LGU and/or local communities for the proper management of the area covered by the said

21 cancelled permit, TLA or instrument.

22

23 The relevant agencies shall formulate the appropriate rules and regulations for the implementation of

24 this Act.

25

26 **SECTION 121.** *Appropriations.* The amount necessary to initially implement the provisions

27 of this Act shall be charged against the appropriations of the Department of Environment and

28 Natural Resources in the current General Appropriations Act. Provided further that a share from

29 the VAT on oil and natural gas, emission testing tax, flood control tax, road users tax, and the

30 Reforestation, Watershed Management, Health and/or Environment Enhancement Fund, pursuant

31 to Section 4 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform

32 Act of 2001 (EPIRA), and its Implementing Rules and Regulations (IRR), shall be appropriated

33 to fund provisions in this Act. Thereafter, such sums as may be necessary to fully implement the

34 provisions of this Act shall be included in the annual General Appropriations Act. For local

35 government units, the funding requirements shall be taken from their internal revenue allotment

36 (IRA) and other sources of income including the income derived from the shares from the

37 different modes of agreement.

38

39 **SECTION 122.** *Separability Clause.* Should any provision herein be declared

40 unconstitutional or invalid, the same shall not affect the validity or legality of the other

41 provisions.

42

43 **SECTION 123.** *Repealing Clause.* Subsections (b), (d), (e), (f), (g), and (i) of Section 4 of

44 Act No. 3915; Republic Act Nos. 460 and 7161; Presidential Decree Nos. 705, 1153,

45 1515, 1559, 1775 and 1998; Letter of Instruction No. 818; Executive Order Nos. 277, series of

46 1987, and Executive Order No. 725, series of 1981, are hereby repealed, and all laws, orders,

47 rules and regulations, or any part thereof which are inconsistent herewith are likewise hereby

1 repealed or amended accordingly: *Provided*, That this Act shall not in any manner amend the
2 IPRA, NIPAS law and the Wildlife Resources Act.

3

4 **SECTION 124.** *Effectivity.* This Act shall take effect thirty (30) days from the date of its
5 publication in the Official Gazette or in at least two (2) national newspapers of general
6 circulation.

7

8 Approved,