

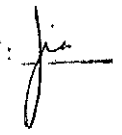
SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Senate
Office of the Secretary

13 JUL 24 24:40

SENATE

SENATE BILL NO. 1101



INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

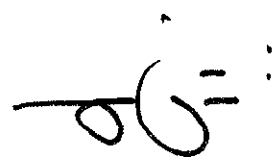
EXPLANATORY NOTE

The congress is mandated under Sec. 4, Article XII of the 1987 Philippine Constitution to determine by law the specific limits of forest lands. Thereafter, such forest lands and national parks shall be consented and may not be increased nor diminished, except by law. The Congress shall provide, for such period as it may determine measures to prohibit logging in endangered forests and watershed areas."

As reported by the Department of Environment and Natural Resources as of 2012, a total of 5,590.18 kilometers of forest land boundary in five provinces comprising the region was successfully assessed and delineated, broken down as follows: Zamboanga del Norte - 1,662.37 kilometers; Zamboanga del Sur - 1,493.28 kilometers; Zamboanga City 679.78 kilometers; Zamboanga Sibugay 1,471.32 kilometers; and Isabela City, Basilan - 83.43 kilometers.

It is the policy of the State to conserve, protect and develop the forest resources of the country in order to attain ecological balance, preserve valuable ecosystems, prevent environmental degradation and promote sustainable development for the present and future generations. This bill seeks to establish delineation of the specific forest limits of the public domain, marking clearly their boundaries on the ground in order for the Government to efficiently manage and protect the country's forest resources. In addition, concerned government agencies will also have a better opportunity to establish its development plans for the benefit of the people.

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



JOSEPH VICTOR G. EJERCITO

**SIXTEENTH CONGRESS OF THE)
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SENATE BILL NO. 1101

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INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

**AN ACT
PROVIDING FOR THE DELINEATION OF THE SPECIFIC FOREST
LIMITS OF THE PUBLIC DOMAIN AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. – This Act shall be known and cited
as the “**Final Forest Limits Act of 2013**”.

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

SEC. 3. Definition of Terms. – As used in this Act, the
following terms shall mean:

- (a) *Agricultural lands* shall refer to alienable and disposable
lands of the public domain, which have been the subject of the
land classification system and declared as not needed for forest
purposes.
- (b) *Delimitation survey* shall refer to the establishment of land
classification boundaries and the monumenting thereof following
ground survey.
- (c) *Delineation* shall refer to the conduct of site investigation,

field reconnaissance and assessment, and staking of boundaries between forest lands, national parks and agricultural lands verified in the field in accordance with the criteria set forth under Department of Environment and Natural Resources (DENR) Administrative Order No. 2008-24.

(d) *Forest land* shall refer to all lands of the public domain already classified as forest land as per existing land classification maps issued by the DENR including all permanent forest reserves proclaimed as such by the President or declared by law, and such areas within the unclassified lands of the public domain that were assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations.

(e) *Protected area* shall refer to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

SEC. 4. *What Constitutes the Forest Lands.* – The following shall constitute the forest lands, to wit:

(a) All lands of the public domain already classified as forest land as per existing land classification maps issued by the DENR;

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

(c) Such areas within the unclassified lands of the public domain that were assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations.

SEC. 5. *Guidelines in Determining the Specific Limits of Forest Lands.* – The following guidelines and procedures shall be followed in determining the specific limits of forest lands in the country:

(a) The previously established land classification survey lines per province with their respective technical descriptions (TDs) and maps shall be the basic data and information that will be used as reference material in undertaking the validation, assessment and delineation process;

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

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

SEC. 6. *Creation of the National Review and Evaluation Committee.* – In recognition of the Constitutional mandate as embodied in Section 4, Article XII thereof, and in view of the urgent need to establish the permanent limits of the forest lands of the country, a National Review and Evaluation Committee is hereby created to process, evaluate and approve all completed assessment and delineation reports referred to in the immediately preceding section. The Committee, in its evaluation and approval of the said reports, shall strictly adhere to existing established laws, policies, rules, regulations and guidelines pertinent thereto.

The Committee shall be composed of the following:

- (a) The Secretary of the DENR, as Chairperson;
- (b) The Secretary/Director General of the National Economic and Development Authority (NEDA), as Vice Chairman;
- (c) The Secretary of the Department of the Interior and Local Government (DILG), as member;
- (d) The Secretary of the Department of Agriculture (DA), as member and
- (e) The Secretary of the Department of Agrarian Reform (DAR), as member.

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

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

SEC. 8. *Permanency of the Specific Forest Limits.* – The permanent forest lands established pursuant to this Act shall be conserved and shall not be increased nor diminished except by law. The DENR, in coordination with all concerned agencies and branches of

the government, shall ensure that the forest cover and other resources therein shall be protected and enhanced.

SEC. 9. Recognition of the Rights of Upland Dwellers. – Consistent with the provisions of Republic Act No. 7160 or the “Local Government Code of 1991” and Republic Act No. 8371 or the “The Indigenous Peoples Rights Act of 1997”, the rights of the indigenous cultural communities and other upland dwellers shall be recognized and respected in the ground delineation of the permanent forest limits.

SEC. 10. Monitoring, Evaluation and Reporting System. – To attain the objectives of this Act, a field monitoring, evaluation and reporting system shall be adopted by the Secretary of the DENR to regularly keep track of the state of the country’s forest lands after their delimitation. Towards this end, at the opening of each session of Congress, the DENR shall submit a report to the President on the status of the forest lands for transmission to Congress.

SEC. 11. Creation of an Adjudication Board to Resolve Controversies on Land Conflicts/Adverse Claims. – A Land Conflict Adjudication Board is hereby created to resolve controversies arising from boundary conflicts and adverse claims as a result of the delimitation of forest lands pursuant to this Act. The Board shall be composed of the following:

- (a) The Secretary of the Department of Justice (DOJ), as Chairperson;
- (b) The representative from the Integrated Bar of the Philippines (IBP), as member;
- (c) The administrator of the Land Registration Authority (LRA), as member;
- (d) The representative from a reputable College of Forestry, as member; and
- (e) The representative from the private sector, as member.

The Board shall have the following powers and functions:

- (1) Adjudicate cases on land conflicts and adverse claims brought before it for resolution;
- (2) Summon witnesses, administer oaths, take testimonies and require submission of reports;
- (3) Compel production of books and document answers to interrogations; and
- (4) Issue *subpoena duces tecum*, writs of possession, writs of execution and other writs to enforce its orders and decisions.

SEC. 12. *Accessibility of Record to the Public.* – All records and information pertaining to the specific forest limits delineated pursuant to this Act shall be made available to all local government units (LGUs), other government agencies and to the general public.

SEC. 13. *Congressional Oversight Committee on the Delineation of the Permanent Forest Limits.* – There is hereby created a Congressional Oversight Committee to oversee the implementation of this Act composed of seven (7) Members from the Senate Committee on Environment and Natural Resources and seven (7) Members from the House of Representatives' Committee on Natural Resources.

The Congressional Oversight Committee shall be in existence for a period of five (5) years and, thereafter, its oversight functions shall be exercised by the Committee on Environment and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, acting separately. The secretariat of the Congressional Oversight Committee shall come from the Secretariat personnel of the Committees of the Senate and the House of Representatives comprising the Congressional Oversight Committee.

SEC. 14. *Appropriations.* – The Secretary of the DENR shall include in the Department's program the implementation of this Act, the initial funding of which shall be charged against the current year's appropriations of the Department and, thereafter, included in the annual General Appropriations Act.

Funds for the implementation of the provisions of this Act shall be supplemented also from any available official development assistance (ODA) and from joint projects between agencies of the Philippines and an assisting country.

LGUs may also allocate counterpart funds to be taken from their internal revenue allotment (IRA) and other LGU income for the delineation of the forest limits within their respective territorial jurisdictions.

SEC. 15. *Implementing Rules and Regulations.* – Within three (3) months from the effectivity of this Act, the Secretary of the DENR shall issue the corresponding implementing rules and regulations for the effective implementation of this Act.

SEC. 16. *Separability Clause.* – If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 17. *Repealing Clause.* – All laws, decrees, letters of instruction, executive orders, rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,