



HOUSE OF REPRESENTATIVES

H. No. 7496

BY REPRESENTATIVES ACOSTA-ALBA, ESCUDERO, BELARO, ROMUALDO, BRAVO (M.V.), YU, UY (J.), SALON, BELMONTE (R.), NIETO, ALEJANO, VELASCO-CATERA, PRIMICIAS-AGABAS, TY, NOGRALES (K.A.), ANDAYA, GONZALES (A.D.), ZAMORA (M.C.), DIMAPORO (M.K.), NUÑEZ-MALANYAON, CUARESMA, SAMBAR, CAMINERO, MANGAOANG, SAVELLANO, GARCIA (J.E.), MONTORO, ROQUE (R.), LIMKAICHONG, ZUBIRI, UYBARRETA, CHAVEZ, BATOCABE, MARIÑO, VILLARIN, TINIO AND SY-ALVARADO, PER COMMITTEE REPORT NO. 707

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:

1 SECTION. 1. *Short Title.* - This Act shall be known as the
2 "Forestland Limits Act".

3 SEC. 2. *Declaration of Policy.* - It is the policy of the State to
4 conserve, protect and develop the forest resources of the country in
5 order to attain ecological balance, preserve valuable ecosystems,
6 prevent environmental degradation and promote sustainable
7 development for the present and future generations. To achieve

1 these ends, Section 4 of Article XII of the Constitution mandates
2 Congress to determine by law the specific limits of forestlands and
3 national parks marking clearly their boundaries on the ground.

4 SEC. 3. *Definition of Terms.* – As used in this Act:

5 (a) *Agricultural lands* refer to alienable and disposable lands
6 of the public domain which have been the subject of the land
7 classification system and declared as not needed for forest purposes;

8 (b) *Delimitation* refers to the establishment of permanent
9 boundary monuments of forestland through land survey in
10 accordance with existing standards and practices;

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

17 (d) *Forest* refers to a land with an area of more than 0.5
18 hectare and tree crown cover or equivalent stocking level of more
19 than ten percent (10%) with trees at a minimum height of five (5)
20 meters at maturity, *in situ*. It consists either of closed forest
21 formations, where trees of various stories and undergrowth cover a
22 high proportion of the ground or more than forty percent (40%), or
23 open formations with a continuous vegetation cover in which tree
24 crown cover exceeds ten percent (10%) but less than forty percent
25 (40%). Young natural stands and all plantations established for
26 forest purposes, which are yet to reach a crown density of more than

1 ten percent (10%) or tree height of five (5) meters are included
2 under forests;

3 (e) *Forest reservations* refer to forestlands which have been
4 reserved by the President of the Philippines for any specific purpose
5 or purposes;

6 (f) *Production forestlands* refer to forestlands available for
7 timber and agroforestry production, range lands for grazing and
8 other forestlands special uses;

9 (g) *Protected area* refers to identified portions of land and/or
10 water set aside by reason of their unique physical and biological
11 significance, managed to enhance biological diversity and protected
12 against destructive human exploitation;

13 (h) *Protection forestlands* refer to all areas within the
14 forestlands devoted primarily for the protection and conservation of
15 forest resources to ensure environmental stability, conservation of
16 biological diversity, improvement of ecosystem functions and
17 services, and provision of ecological and economic benefits. All
18 mossy and primary or old growth forests and natural beach, key
19 biodiversity areas, areas which are highly erodible or too rocky for
20 establishment as production forests, regardless of slope and
21 vegetation cover that are developed for the principal objective of
22 establishing vegetative cover to prevent erosion, conserve water and
23 nurture wildlife, freshwater, swamps, and marshes, all areas along
24 the bank of the rivers and streams, and the shores of the seas and
25 lakes throughout their entire length and within the zone of three (3)
26 meters in urban areas, twenty (20) meters in agricultural areas, and
27 forty (40) meters in forest areas, along their margins which are

1 subject to the easement of public use such as for recreation,
2 settlements, navigation, floatage, fishing or salvage shall also be
3 subclassified as protection forestlands. Cutting of trees and mining
4 are banned in these protection forestlands: *Provided*, That the
5 provisions of Republic Act No. 8371, "The Indigenous Peoples'
6 Rights Act of 1997" and Republic Act No. 7586, the "National
7 Integrated Protected Areas System Act of 1992" shall be respected;
8 and

9 (i) *Tenured migrant communities* refer to communities within
10 forestlands which have actually and continuously occupied such
11 areas for five (5) years before the designation of the same as
12 forestlands in accordance with this Act and are solely dependent
13 therein for subsistence.

14 SEC. 4. *Forestlands*. - The following shall constitute
15 forestlands:

16 (a) All lands of the public domain already classified as
17 forestland based on existing land classification maps issued by the
18 DENR;

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

21 (c) Such areas within the unclassified lands of the public
22 domain that were assessed and delineated by the DENR in
23 accordance with pertinent laws, rules and regulations and which
24 may hereafter be classified as forestland by the DENR.

25 SEC. 5. *Determining the Specific Limits of Forestlands*. -
26 The following guidelines and procedures shall be followed in
27 determining the specific limits of forestlands in the country:

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

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

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

16 SEC. 6. *National Review and Evaluation Committee.* -
17 Pursuant to the mandate embodied in Section 4, Article XII of the
18 Constitution, and in view of the urgent need to establish the
19 permanent limits of the forestlands of the country, a National
20 Review and Evaluation Committee, hereinafter referred to as the
21 Committee, is hereby created to process, evaluate and approve all
22 completed assessment and delineation reports referred to in the
23 immediately preceding section. The Committee, in its evaluation
24 and approval of the reports, shall adhere strictly to established
25 laws, policies, rules, regulations and guidelines pertinent thereto.

26 The Committee shall be composed of the following:

27 (a) Secretary of the DENR as Chairperson;

1 (b) Secretary of the Socioeconomic Planning and Director-
2 General of the National Economic and Development Authority
3 (NEDA) as Vice-Chairperson;

4 (c) Secretary of the Department of the Interior and Local
5 Government (DILG) as Member;

6 (d) Secretary of the Department of Agriculture (DA) as
7 Member;

8 (e) Secretary of the Department of Agrarian Reform (DAR) as
9 Member; and

10 (f) Chairman of the Housing and Urban Development
11 Coordinating Council (HUDCC) as Member.

12 The assessment and delineation reports as approved by the
13 Committee shall be adopted as constituting the final boundaries of
14 the forestlands covered by the reports. The Committee shall submit
15 to Congress the approved assessment and delineation reports for
16 each province which shall thereafter form part of its official records.

17 *SEC. 7. Demarcation and Delimitation of Forestland*
18 *Boundary.* - Immediately after the passage of this Act, the forest
19 line determined and established by the DENR shall be adopted as
20 the forestland boundary of the country and all monuments
21 established shall be deemed permanent. Maps of the forestland
22 boundary prepared by the DENR shall be attached as an integral
23 part of this Act for reference.

24 *SEC. 8. Permanency of the Specific Forestlands Limits.* -
25 The permanent forestlands established pursuant to this Act shall
26 not be diminished nor reduced except by an act of Congress. The
27 DENR, in coordination with all agencies and branches of

1 government, shall see to it that the forest cover and vegetation
2 therein shall be protected, preserved and enhanced.

3 *SEC. 9. Subclassification of the Permanent Forestlands. -*

4 The DENR shall undertake the subclassification of permanent
5 forestlands into protection forests and production forests.

6 *SEC. 10. Recognition of the Rights of the Indigenous Cultural*
7 *Communities/Indigenous Peoples and Tenured Migrant*
8 *Communities. -* In the ground delineation of the permanent
9 forest limits, the occupation by indigenous cultural
10 communities/indigenous peoples and tenured migrants shall be
11 recognized and respected consistent with the provisions of Republic
12 Act No. 7160 or the "Local Government Code of 1991", Republic
13 Act No. 8371 or "The Indigenous Peoples' Rights Act of 1997",
14 and Presidential Decree No. 705, as amended, or the "Revised
15 Forestry Code of the Philippines".

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

20 *SEC. 12. Land Classification Conflict Adjudication Board. -*

21 A Land Classification Conflict Adjudication Board, herein referred
22 to as the Board, is hereby created to resolve controversies arising
23 from land classification as a result of the delimitation of forestlands
24 pursuant to this Act. The Board shall be composed of the following:

25 (a) Secretary of the Department of Justice (DOJ) as
26 Chairperson;

1 (b) Administrator of the Land Registration Authority (LRA)
2 as Member;

3 (c) Representative from the Integrated Bar of the Philippines
4 (IBP) as Member;

5 (d) Representative from a reputable College of Forestry as
6 Member; and

7 (e) Representative from the private sector as Member.

8 SEC. 13. *Powers and Functions of the Adjudication Board.* -

9 The Board shall have the following powers and functions:

10 (a) Adjudicate cases on land conflicts and adverse claim
11 before it for resolution;

12 (b) Summon witnesses, administer oaths, take testimony and
13 require submission of reports;

14 (c) Compel production of books and documents and answers
15 to interrogatories; and

16 (d) Issue subpoena *duces tecum*, writs of possession, writs of
17 execution and other writs to enforce its orders and decisions.

18 In any proceeding before the Board, the Rules of Evidence
19 prevailing in courts of law or equity shall not be controlling and it is
20 the spirit and intention of this Act that shall govern. The Board
21 shall use every and all reasonable means to ascertain the facts in
22 each case speedily and objectively. The findings of fact of the Board
23 shall be conclusive and binding on the parties and its decision or
24 order shall be final and executory.

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

1 SEC. 14. *Monitoring, Evaluation, and Reporting System.* -

2 To attain the objectives of this Act, a field monitoring, evaluation,
3 and reporting system shall be adopted by the Secretary of the
4 DENR to regularly keep track of the state of the country's
5 forestlands after their delineation and ensure that these lands are
6 protected and conserved.

7 SEC. 15. *Appropriations.* - The Secretary of the DENR shall
8 include in the Department's program the implementation of this
9 Act, the initial funding of which shall be charged against the
10 current year's appropriations of the Department and, thereafter,
11 shall be included in the annual General Appropriations Act.

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

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

20 SEC. 16. *Implementing Rules and Regulations.* - Within
21 ninety (90) days from the effectivity of this Act, the Secretary of the
22 DENR shall issue the corresponding implementing rules and
23 regulations for its implementation.

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

1 SEC. 18. *Repealing Clause.* – All laws, decrees, letters of
2 instruction, executive orders, rules and regulations, and other
3 issuances or parts thereof inconsistent with this Act are hereby
4 repealed or modified accordingly.

5 SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15)
6 days after its publication in the *Official Gazette* or in any newspaper
7 of general circulation.

Approved,

O