


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

'04 DEC -8 A9:30

SENATE

RECEIVED BY: S.B. No. 1872

Introduced by Senator RAMON BONG REVILLA, JR.

EXPLANATORY NOTE

It seems everyone has not learned from the past disasters. The tragedy in Ormoc, Leyte – where more than 5,000 people perished and millions worth of property were destroyed, sounded the first alarm to all Filipinos that enormous destruction happens when forestlands are denuded. The entire nation was horrified at what had transpired. We were all witnesses to the devastation of an entire locality and saw the agony and despair of the residents there. That came to pass more than a decade ago.

What was the cause of Ormoc tragedy? Everyone agreed that it was *illegal logging*. And there is no doubt that illegal logging is pervasive and causing enormous damage to forests, to forest peoples and to the economies of producer-countries like the Philippines. But did we, as a nation, do anything to effectively address the problem then? No, we did not.

Several disasters have happened since the one in Ormoc, Leyte. The latest is the catastrophe that happened in the Provinces of Aurora and Quezon. Again, hundreds lost their lives and millions worth of properties and crops were destroyed. Again, everyone is blaming illegal logging activities as the main culprit. But, has anybody been held accountable for the numerous death and destruction brought about by illegal logging activities? None, so far.

The debate on whether to institute a total or selective log ban for the entire country is again raging on. With the current fiscal problems that the country face at the moment, the debate on what kind of log ban is preferred and best for this country will take time. In the meantime, quick measures must be put in place to remedy the situation.

This bill proposes to increase the penalties for people who engage in illegal logging activities as defined in Presidential Decree No. 705, as amended, otherwise known as the "*Revised Forestry Code of the Philippines*." The current penalty provided under the law is not commensurate to the devastation and desolation that is brought about by such an unconscionable activity.

Furthermore, this bill seeks stiffer penalties for government officials and personnel, members of the Armed Forces and other law enforcement agencies who engage and protect illegal loggers operating in their areas of jurisdiction. They

must also be held accountable for turning a blind eye on the perpetrators. They must all be made to pay for their actions. The environment and the economy of this nation depend on it.

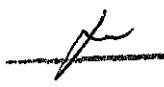
Hence, passage of this bill is urgently requested.


RAMON BONG REVILLA, JR.

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AN ACT
AMENDING SECTION SEVENTY-EIGHT OF PRESIDENTIAL DECREE
NUMBERED SEVEN HUNDRED FIVE, AS AMENDED, OTHERWISE
KNOWN AS THE "REVISED FORESTRY CODE OF THE
PHILIPPINES."

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

SECTION 1. Section 78 of Presidential Decree No. 705 is further amended
to read as follows:

*Section 78. Cutting, Gathering and/or Collecting Timber, or Other
Forest Products Without License. -*

Any person who shall cut, gather, collect, remove timber or other forest products from any forestland, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished BY *RECLUSION PERPETUA* AND PAY A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00): Provided, That in the case of partnership, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the BUREAU OF IMMIGRATION: PROVIDED FURTHER, THAT IN CASE OF JURIDICAL PERSONS THE FINE IMPOSED SHALL NOT BE LESS THAN TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00).

IF THE PERSON CHARGED UNDER THIS SECTION IS A GOVERNMENT OFFICIAL OR EMPLOYEE, ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR ANY MEMBER OF OTHER LAW ENFORCEMENT AGENCIES, THE PENALTY OF *RECLUSION PERPETUA* TO DEATH AND THE ACCESSORY PENALTY OF PERPETUAL ABSOLUTE

DISQUALIFICATION, AND A FINE OF NOT MORE TWO HUNDRED THOUSAND PESOS (P200,000.00).

The Court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed, as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.

Sec. 2. *Effectivity.* -- This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,