

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. **1995**

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
AMENDING SECTIONS 78, 79, 81, 84, 85 AND 86 OF PRESIDENTIAL DECREE NO. 705, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED FORESTRY CODE OF THE PHILIPPINES", THEREBY IMPOSING STIFFER PENALTIES ON CRIMES COMMITTED IN RELATION TO FOREST LANDS, GRAZING LANDS AND THE NATIONAL PARKS SYSTEM

EXPLANATORY NOTE

The connection between deforestation and severe, more destructive flooding has been sufficiently established and supported by evidence. Less trees and thinning forests equate to higher and unexpected floods. The "triple hit" of typhoons Quinta, Rolly and Ulysses that the Philippines experienced last November 2020 is a stark reminder of this.

Some of the key drivers of deforestation and forest degradation are illegal logging, forest products extraction, uncontrolled conversion of forestlands into other land uses and *kaingin*¹. Fortunately, our laws, specifically the Revised Forestry Code of the Philippines (Presidential Decree No 705, as amended) already address and seek to stamp out these illegal practices. However, given that it is a 45-year old law (enacted in 1975), some of its provisions need updating and further strengthening.

¹ Antonio P. Carandang, et al., *Analysis of Key Drivers of Deforestation and Forest Degradation in the Philippines*, (April 2013) <https://forestry.dennr.gov.ph/redd-plus-philippines/publications/Analysis%20of%20key%20drivers%20of%20deforestation%20and%20forest%20degradation%20in%20the%20Philippines.pdf>

This bill seeks to amend the penal sections in the said law in order to impose stiffer penalties in the form of longer prison terms and higher fines for violations of its provisions. Notably, under this amendment, unauthorized or illegal cutting, gathering, and/or collecting of timber, or other forest products will be punished as qualified theft in accordance with the Revised Penal Code. Furthermore, prison terms for unlawful occupation or destruction of forest lands and grazing lands, kaingin, illegal occupation of areas under the National Parks Systems, and misclassification/mis-declaration and survey of forest lands will be increased in order to make these offences as non-probationable crimes. Their corresponding fines will also be pegged based on the value of the forest products or forest land destroyed or illegally occupied and used, or the value of the economic gain that the offenders will receive from such activities, whichever is higher.

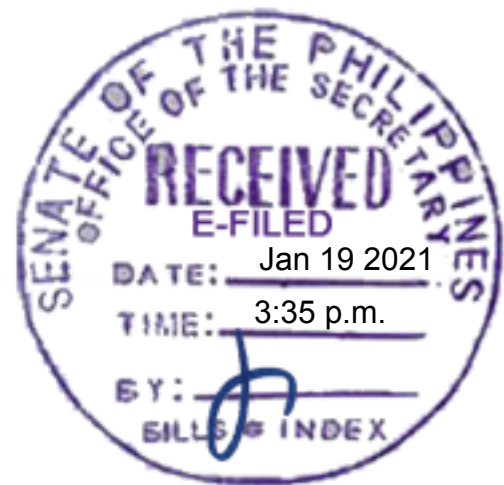
This proposed measure, once passed, will serve as a stronger deterrent against illegal logging and other unlawful activities done to our forest areas.

In view of this, early passage of this bill is sought.



MANUEL "LITO" M. LAPID
Senator

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AND THE NATIONAL PARKS SYSTEM

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

1 Section 1. The first paragraph of Section 78 of Presidential Decree No. 705, as
2 amended, otherwise known as the "Revised Forestry Code of the Philippines", is
3 hereby amended to read as follows:

4
5 "Section 78

6 Cutting, Gathering and/or Collecting Timber, or Other Forest Products
7 Without License

8 Any person who shall cut, gather, collect, remove timber or other forest
9 products from any forestland, or timber from alienable or disposable
10 public land, or from private land, without any authority, or possess
11 timber or other forest products without the legal documents as required
12 under existing forest laws and regulations, shall be punished with the
13 penalties imposed under [Articles 309 and] **ARTICLE** 310 of the

1 Revised Penal Code: Provided, That in the case of partnership,
2 associations, or corporations, the officers who ordered the cutting,
3 gathering, collection or possession shall be liable, and if such officers
4 are aliens, they shall, in addition to the penalty, be deported without
5 further proceedings on the part of the Commission on Immigration and
6 Deportation.”

7
8 Section 2. Section 79 of Presidential Decree No. 705, as amended, is hereby
9 amended to read as follows:

10
11 “Section 79

12 Unlawful Occupation or Destruction of Forest Lands and Grazing Lands

13 Any person who enters and occupies or possesses, or makes kaingin
14 for his own private use or for others, any forest land or grazing land
15 without authority under a license agreement, lease, license or permit,
16 or in any manner destroys such forest land or grazing land or part
17 thereof, or causes any damage to the timber stand and other products
18 and forest growth found therein, or who assists, aids or abets any other
19 person to do so, or sets a fire, or negligently permits a fire to be set in
20 any forest land or grazing land, or refuses to vacate the area when
21 ordered to do so, pursuant to the provisions of Section 53 hereof shall,
22 upon conviction, be fined in an amount [of not less than five hundred
23 pesos (P500.00), nor more than twenty thousand pesos (P20,000.00)]
24 **EQUIVALENT TO ONE HUNDRED (100) TO ONE HUNDRED**
25 **FIFTY (150) PER CENTUM OF VALUE OF THE FOREST OR**
26 **GRAZING LAND OR PART THEREOF THAT HE ILLEGALLY**
27 **ENTERED AND OCCUPIED OR POSSESSED, OR DESTROYED OR**
28 **CAUSED DAMAGE TO, OR THE GAIN HE DERIVED FROM SUCH**
29 **ILLEGAL ACTIVITIES, WHICHEVER IS HIGHER** and imprisoned
30 for not less than [six (6) months] **SIX (6) YEARS** nor more than [two
31 (2) years] **EIGHT (8) YEARS** for each such offense, and be liable to
32 the payment of ten (10) times to the rental fees and other charges

1 which would have accrued had the occupation and use of the land been
2 authorized under a license agreement, lease, license or permit:
3 Provided, That in the case of an offender found guilty of making
4 kaingin, the penalty shall be imprisonment for not less than [two (2)]
5 **EIGHT (8)** nor more than [four (4)] **TEN (10)** years and a fine equal
6 to [eight (8)] **TEN (10)** times the regular forest charges due on the
7 forest products destroyed, without prejudice to the payment of the full
8 cost of production of the occupied area as determined by the Bureau:
9 Provided, further, That the maximum of the penalty prescribed herein
10 shall be imposed upon the offender who repeats the same offense and
11 double the maximum of the penalty upon the offender who commits
12 the same offense for the third time.

13
14 In all cases, the Court shall further order the eviction of the offender
15 from the land the forfeiture to the government of all improvements
16 made and all vehicles, domestic animals and equipment of any kind
17 used in the commission of the offense. If not suitable for use by the
18 Bureau, said vehicles, domestic animals, equipment and improvements
19 shall be sold at public auction, the proceeds of which shall accrue to
20 the Development Fund of the Bureau.

21
22 In case the offender is a government official or employee, he shall, in
23 addition to the above penalties be deemed automatically dismissed
24 from office and permanently disqualified from holding any elective or
25 appointive position. [As amended by PD No. 1559]"
26

1 Section 3. Section 81 of Presidential Decree No. 705, as amended, is hereby
2 amended to read as follows:

3
4 "Section 81

5 Illegal Occupation of National Parks System and Recreation Areas and
6 Vandalism Therein

7 Any person who, shall, without permit, occupy for any length of time
8 any portion of the national parks system or shall, in any manner cut,
9 destroy, damage or remove timber or any species of vegetation or
10 forest cover and other natural resources found therein, or shall
11 mutilate, deface or destroy objects of natural beauty or of scenic value
12 within areas in the national parks system, shall be fined [not less than
13 five hundred pesos (P500.00) pesos or more than twenty thousand
14 (P20,000.00) pesos exclusive of the value of the thing damaged] **FOR**
15 **AN AMOUNT EQUIVALENT TO ONE HUNDRED (100) TO ONE**
16 **HUNDRED FIFTY (150) PER CENTUM OF VALUE OF THE**
17 **PROPERTY THAT HE ILLEGALLY ENTERED AND OCCUPIED OR**
18 **POSSESSED, OR DESTROYED OR CAUSED DAMAGE TO, OR THE**
19 **GAIN HE DERIVED FROM SUCH ILLEGAL ACTIVITIES,**
20 **WHICHEVER IS HIGHER, AND IMPRISONED FOR NOT LESS**
21 **THAN EIGHT (8) YEARS NOR MORE THAN TEN (10) YEARS;**
22 Provided, That if the area requires rehabilitation or restoration as
23 determined by the Director, the offender shall also be required to
24 restore or compensate for the restoration of the damage: Provided,
25 further, That any person who, without proper permit shall hurt, capture
26 or kill any kind of bird, fish or wild animal life within the area in the
27 national parks system shall be subject to the same penalty: Provided,
28 finally, That the Court shall order eviction of the offender from the land
29 and the forfeiture in favor of the government of all timber or any
30 species or vegetation and other natural resources collected or removed,
31 and any construction or improvement made thereon by the offender. If
32 the offender is an association or corporation, the president or manager

1 shall be directly responsible and liable for the act of his employees or
2 laborers.

3
4 In the event that an official or employee of a city or municipal
5 government is primarily responsible for detecting and convicting the
6 violator of the provisions of this section, fifty per centum (50%) of fine
7 collected shall accrue to such municipality or city for the development
8 of local parks. [As amended by PD No. 1559]"

9
10 Section 4. Section 84 of Presidential Decree No. 705, as amended, is hereby
11 amended to read as follows:

12
13 "Section 84

14 Misclassification and Survey by Government Official or Employee

15 Any public officer or employee who knowingly surveys, classifies, or
16 recommends the release of forestlands as alienable and disposable
17 lands contrary to the criteria and standards established in this Code, or
18 the rules and regulations promulgated hereunder, shall, after an
19 appropriate administrative proceeding, be dismissed from the service
20 with prejudice to re-employment, and upon conviction by a court of
21 competent jurisdiction, suffer an imprisonment of not less than [one
22 (1) year] **SIX (6) YEARS NOR MORE THAN EIGHT (8) YEARS** and
23 a fine of not less than [one thousand (P1,000.00) pesos] **ONE**
24 **HUNDRED THOUSAND PESOS (P100,000.00) NOR MORE THAN**
25 **TWO HUNDRED THOUSAND PESOS (P200,000.00)**. The survey,
26 classification or release of forestlands shall be null and void."

27
28 Section 5. Section 85 of Presidential Decree No. 705, as amended, is hereby
29 amended to read as follows:

30
31 "Section 85

32 Tax Declaration on Real Property

1 Imprisonment for a period of not less than [two (2)] **SIX** nor more
2 than [four (4)] **EIGHT (8)** years and perpetual disqualification from
3 holding an elective or appointive office, shall be imposed upon any
4 public officer or employee who shall issue a tax declaration on real
5 property without a certification from the Director of Forest
6 Development and the Director of Lands or their duly designated
7 representatives that the area declared for taxation is alienable and
8 disposable lands, unless the property is titled or has been occupied and
9 possessed by members of the national cultural minorities prior to July
10 4, 1955.”

11
12 Section 6. Section 86 of Presidential Decree No. 705, as amended, is hereby
13 amended to read as follows:

14
15 “Section 86

16 Coercion and Influence

17 Any person who coerces, influences, abets or persuades the public
18 officer or employee referred to in Sections [74] **84** and [75] **85** commit
19 any of the acts mentioned therein shall suffer imprisonment of not less
20 than [one (1) year] **SIX (6) YEARS NOR MORE THAN EIGHT (8)**
21 **YEARS** and pay a fine [of five hundred (P500.00) pesos for every
22 hectare or a fraction thereof] **EQUIVALENT TO ONE HUNDRED**
23 **(100) TO ONE HUNDRED FIFTY (150) PER CENTUM OF THE**
24 **ASSESSED VALUE OF THE AREA OF THE LAND** so improperly
25 surveyed, classified or released.

26
27 In all other cases, any person who coerces, influences, abets or
28 persuades the public officer or employee by using power and influence
29 in deciding any pending case or matter in his favor shall be punished
30 by a fine of [not more than five thousand pesos (P5,000.00)] **NOT**
31 **LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00)**
32 **NOR MORE THAN TWO HUNDRED THOUSAND PESOS**

1 **(P200,000.00)** and imprisonment of not less than [one (1) year]
2 **FOUR (4) YEARS NOR MORE THAN SIX (6) YEARS.** [As amended
3 by PD No. 1559]”
4

5 Section 7. *Repealing Clause.* — All laws, presidential decrees, executive orders,
6 proclamations, rules and regulations, or any part thereof, which are inconsistent with
7 the provisions of this Act are hereby repealed or modified accordingly.
8

9 Section 8. *Separability Clause.* – If any provision or part of this Act, or the
10 application thereof to any person or circumstance, is held unconstitutional or invalid,
11 the remainder of this Act shall not be affected thereby.
12

13 Section 9. *Effectivity Clause.* — This Act shall take effect fifteen (15) days from
14 its publication in the Official Gazette or in at least two (2) newspapers of general
15 circulation.
16

17 *Approved,*