

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

7 JUN 30 P12:29

SENATE BILL NO. 29

RECEIVED BY: 

Introduced by Senator M. A. Madrigal

EXPLANATORY NOTE

The environment is a matter of the highest public interest, and it is the obligation of the State to actively ensure that the environment is neither destroyed nor its healthful effects impaired by official or unofficial policies and actions. However, this constitutional precept seems to be increasingly more honored in the breach rather than in the observance. Policies and programs built on abusive resource extraction have taken precedence over constitutional exhortations of conservation and protection and environmental stewardship.

A case in point is the problem of our vanishing forests. The 2004 Philippine Environment Monitor Report states that half of our nation's land area, or 15 million hectares, is classified as forest land. However, 47% or nearly half of forest land are now classified as alienable or disposable, with the remaining 3% remaining unclassified. This means fully half of our forest land is earmarked for conversion to other uses.

It is a great ecological crime that our forest cover has declined from an estimated 21 million hectares, or 70% of the country's total land area in 1900, to only 5.4 million hectares or 18.3% by 1988. The greater crime is that the denudation continues until today.

Despite the logging-ban imposed in many part of the country, illegal logging has not ceased. According to a report of Transparency International dated October 23, 1998, during the last 20 years, the number of forest concessionaires reached 480. During this period, it is estimated that these concessionaires have amassed 42 billion U.S. dollars in profits due to very low concession fees and taxes. This system has enriched only a few families while the livelihood of millions of others has been adversely affected by the loss of forest cover and the displacement of local communities.

In addition, from 1988-2000, a total of 34,207 hectares of alienable and disposable land – an average of 2,631 hectares per year – were converted from agricultural uses to other land uses. About 76% of our total land area has been degraded to a large extent. At least 45% of total arable land and 66% of non-agricultural land have been moderately to severely eroded, triggering the movement of subsistence farmers to marginal lands to meet their daily food requirements. Approximately 5.2 million hectares of land suffer from serious erosion, resulting in a 30 to 50% reduction in soil productivity and water retention capacity.

Such wanton abuse of nature has yielded inevitable results. Ravaged watersheds, poisoned and polluted water sources, increasingly empty rivers and waterways, farmlands that alternate between being flooded or parched, food insecurity and the physical horrors of landslides. The economic toll has been just as immense. The World Bank estimated direct damage caused by disasters between 1970 and 2000 at P15 billion per year. In 2000 alone, damage to property due to flooding was estimated at P1.67 million.

This Bill addresses this environmental crisis by establishing a total ban on all logging operations in the country. While providing for citizen's rights, the Bill imposes appropriate penalties for violations "to ensure the protection, preservation and rehabilitation of the Philippine environment."

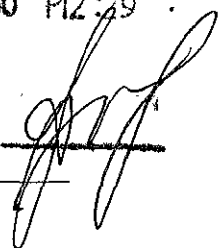
The objective of the Bill is plain and simple: to arrest the destruction of the remaining forestlands of the Philippines. It is not too late to prevent this act of national suicide and save one of the world's "hottest biodiversity hotspots" from teetering on the verge of ecological collapse. For these reasons, the passage of this Bill is earnestly sought.


M. A. MADRIGAL

FOURTEENTH CONGRESS)
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S. B. NO. 29

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AN ACT
ESTABLISHING A BAN ON ALL LOGGING OPERATIONS
IN THE COUNTRY TO ENSURE THE PROTECTION, PRESERVATION
AND REHABILITATION OF THE PHILIPPINE ENVIRONMENT,
PROVIDING FOR CITIZEN'S RIGHTS AND THE APPROPRIATE
PENALTIES FOR VIOLATIONS OF THIS ACT

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

Section 1. Title. – The Act shall be known as the “National Log Ban of 2007.”

Section 2. Declaration of Policy. – It is a declared policy of the State to protect and advance the right of the people to a balanced and healthful ecology through the protection, preservation, and rehabilitation of our country's forests. The State also recognizes that more severe penalties must be imposed on violators so as to achieve the goals of this Act. Further, the State likewise recognizes that the private sector plays an indispensable role to ensure the protection and rehabilitation of our nation's forests.

Section 3. Coverage. – This Act shall cover all trees within the territorial jurisdiction of the Republic of the Philippines, whether the said lands be public or private.

Section 4. Prohibited Acts. – It shall be unlawful for any person to cut, fell or destroy any tree standing on any forest, timber land, forest reserve or watershed within the next thirty (30) years from the approval of this Act. This prohibition shall not apply to trees grown in legitimate commercial tree farms.

Section 5. Penalties. – Any person who violates this Act shall be punished by *reclusion perpetua*.

Any juridical entity that violates this Act shall forfeit its license or permit to do business in the Philippines. In addition, it shall be made to pay a fine of not less than One Million Pesos (P1,000,000.00) but not more than Five Million Pesos (P5,000,000.00) at the discretion of the court. The Members of the Board of Directors, Chairman and/or the Chief Executive Officer or any other officer of the company responsible for the violation of this law shall be imprisoned for a period of not less than twelve (12) years but not more than twenty (20) years, also at the

discretion of the court. Aliens who violate this law shall be summarily deported after their sentence shall have been served.

Any public officer who fails to enforce the provisions of this Act, or tolerates, participates in through whatever degree in the consummation of acts prohibited herein shall suffer the corresponding penalty of *reclusion perpetua* and perpetual disqualification from office.

Section 6. *Citizen's Action Suit.* For purposes of enforcing the provisions of this Act or its Implementing Rules and Regulations, any citizen may file an appropriate action in the proper court against:

1. Any person who violates or fails to comply with the provisions of this Act or the Implementing Rules and Regulations;
2. The Department or other Implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and
3. Any public officer who willfully or grossly neglects the performance of any act specifically enjoined as a duty by this Act or its Implementing Rules and Regulations; or abuses his authority in the performance of his duty; or in any manner, improperly performs his duties under this Act or its Implementing Rules and Regulations.

The appropriate Court shall exempt such action from payment of filing fees.

Section 7. *Implementing Rules.* – The Secretary of the Department of Environment and Natural Resources shall promulgate the appropriate rules and regulations to carry out the provisions of this Act: *Provided,* That the effectivity of such rules which the Secretary of the Department of Environment and Natural Resources shall promulgate shall be subject to the approval of Congress.

Section 7. *Independence of Action.* – The filing of an administrative action against any public officer who violates the provisions of this Act does not preclude the filing of a separate action in a court of law.

Section 8. *Construction of this Act.* – In the construction and application of the provisions of this Act and its implementing rules, the interpretation that would be beneficial or favorable to the purpose of this Act to prohibit logging operations shall be adopted.

Section 9. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, policies, programs or parts thereof, that are inconsistent with any of the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 10. *Separability Clause.* – If for any reason, any section or provisions of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof, which are not affected hereby, shall continue in full force and effect.

Section 11. Effectivity. – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,