

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

6 MAR 30 AM 19

SENATE

S. B. No. 2238

INTRODUCED BY SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

The destruction of Philippine forests has been described as the most rapid and most massive in the world. According to the Asian Development Bank (ADB), the average annual rate of deforestation in the country is one of the highest in East Asia and Southeast Asia at 1.4%.

According to another report from Haribon Foundation, our forests have reached the threshold of sustainability. In the 1900s, forest cover in the Philippine was estimated at 21 million hectares (70% of the country's total land area). A decade later, the once lush forest cover was further reduced to a measly 800,000 hectares (18%). In the year 2010, it is projected that forest cover will be reduced to an upsetting 266,666 hectares (6%).

Such a limited forest cover could hardly sustain a population, which today stood at more than eighty million Filipinos growing at a rate of 2.36% per annum. As a gross consequence, ecological and economic disasters have now become inevitable. Based on the Department of Environment and Natural Resources (DENR) list, some 38 areas nationwide are prone to frequent landslides and flooding, most of which are located in the heavily denuded forest areas in the country.

There is no single solution to all these problems but the Tree for Legacy Act as a Forest Management Program is certainly one of them. Its objectives are consistent with Executive Orders 263 and 318 in promoting community-based ('people-based') approaches in attaining sustainable forest management in the country. Further, this bill also encourages tree plantation development from both private and public lands, which is very important in integrated watershed management.


Approval of this measure, therefore, is strongly urged.


EDGARDO J. ANGARA
Senator

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RECEIVED BY: 

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AN ACT INSTITUTING A SELF-SUSTAINING FOREST MANAGEMENT PROGRAM, BY PROVIDING INCENTIVES TO TREE PLANTERS ON PRIVATE LANDS, FOREST LANDS, AND OTHER PUBLIC LANDS AND FOR OTHER PURPOSES.

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

1 **SECTION 1. Short Title.** This Act shall be known as the *"Tree For Legacy Act of*
2 *2006."*

3
4 **SEC 2. Declaration of Policies.** Consistent with the constitutional precepts of
5 promoting social justice in all phases of national development and advancing the right
6 people to a balanced and healthful ecology, State hereby adopts the following policies
7 in relation to the conservation and management of forest and forest resources:

8 a. The State shall ensure equitable access and sharing of rights to natural
9 resources development, management, protection and utilization by providing
10 opportunities to the people to participate actively in forest resource
11 development;

12 b. The State recognizes the role of local government units (LGUs), people's
13 organizations and the community in general as effective partners of the
14 government in the implementation and management of community-based
15 forestry projects and other forest development projects.

16
17 **SEC 3. Objectives.** This Act intends to encourage and empower the citizenry in
18 sharing with the National Government and local government units (LGUs) the
19 responsibility in the management and maintenance of ecological balance within their
20 community.

1 Specifically, this Act aims to attain the following objectives:

- 2 a) To enhance public awareness and participation on environmental restoration
3 and protection;
- 4 b) To encourage the participation of the public and private civil society in the
5 reforestation program of the government;
- 6 c) To generate incentives and additional sources of income and livelihood
7 without impairing the ecological balance of our natural resources;
- 8 d) To reduce poverty incidence in the uplands;
- 9 e) To cover available lands possible, including but not limited to, the protection
10 and production of forest lands and private lands; and
- 11 f) To accelerate implementation of reforestation programs with minimal
12 government assistance.

13

14 **SEC. 4. *The Tree for Legacy Program.*** The Tree for Legacy program is a
15 nationwide reforestation program to be administered by local governments units in
16 partnership with the Department of Environment and Natural Resources (DENR) and
17 other concerned government agencies. The program shall encourage the participation of
18 individuals, indigenous peoples', concerned citizens or groups (including, but not
19 limited to, NGOs, private, civic, and religious organizations) by providing incentives, as
20 well as rights and privileges to tree planters.

21

22

23 **SEC. 5. *Areas Available for the Tree for Legacy Program.*** The Program shall
24 cover private lands, protection forests, production forests, open lands, and other lands
25 deemed appropriate by the DENR.

26

27

28 **SEC. 6. *Who May Avail of the Program.*** This Program is open to all, including
29 but not limited to, individuals, government employees, civic and religious
30 organizations, indigenous peoples', cooperatives, associations, youth, students,
31 Philippine National Police (PNP) and military groups who meet the desired
32 requirements.

33

34 Beneficiaries of existing DENR reforestation programs may also avail of this
35 Program.

1 **SEC. 7. Issuance of Agreements, Certificates and Permits.** To ensure and enable
2 the proper implementation of the Program, the following contracts, certificates and
3 permits shall be issued:

4
5 a) **Tree for Legacy Contract (TLC).** The DENR Provincial Office shall, upon the
6 recommendation of the municipal/city government concerned, issue Tree for
7 Legacy Contracts (TLCs) over the lands applied for by virtue of this Act.

8
9 For public lands, the TLC shall allocate the portion of land applied for to be
10 covered by this Act. The TLC shall also enable the grantee to plant trees and
11 utilize the covered land for agro-forestry purposes as contained in the Indicative
12 Development and Environment Plan which shall form part of the TLC, embody
13 the rights and obligations of the applicants and the grantor and shall serve as the
14 basis for the issuance of the Certificate of Tree Ownership and Certificate of
15 Usufruct. The TLC shall have a lifespan of twenty five (25) years.

16
17 b) **Certificate of Tree Ownership (CTO).** The Certificate of Tree Ownership (CTO)
18 is issued to cover the trees planted by the grantee on titled lands, production
19 forests and other non-protected areas. The CTO shall signify the tree planters'
20 ownership over the trees they planted and enable the planters to cut and
21 transport their forest products. The DENR Provincial Office and the Provincial
22 Government shall jointly conduct complete inventory and thorough inspection to
23 ensure compliance with the prescribed conditions prior to the issuance of the
24 CTO.

25
26 c) **Certificate of Usufruct (COU).** The Certificate of Usufruct (COU) is issued to
27 cover the trees planted by the grantee on protection forest plantation areas and
28 other areas where cutting is prohibited as determined by DENR. The COU shall
29 permit the tree planters to enjoy the fruits of their plantations. The DENR
30 Provincial Office and the Provincial Government shall jointly conduct complete
31 inventory and thorough inspection to ensure compliance with the prescribed
32 conditions prior to the issuance of the COU.

33
34 d) **Permit to Harvest.** Those with Certificates of Usufruct (COU) shall immediately
35 be given the permit to harvest the fruits and other by-products thereof: *Provided,*

1 That no cutting of trees that will be involved. The permit shall be issued by the
2 local DENR office concerned, upon the recommendation of the Provincial
3 Government.

- 4
- 5 e) *Permit to Cut and Transport.* Those with Certificates of Tree Ownership (CTO)
6 shall be given permit to cut and transport trees upon compliance with the
7 conditions set forth by the DENR in the implementing rules and regulations.

8
9

10 **SEC. 8. *Incentives and Privileges.*** To encourage participation in the Tree for
11 Legacy Program, the following incentives and privileges are hereby granted:

- 12
- 13 a) All planted trees within private lands and forest lands shall belong to the owner
14 or grantee who shall have the right to harvest, sell and utilize such trees and
15 crops, except those retained for environmental protection purposes or those
16 identified by DENR as mother trees;
- 17
- 18 b) All plantation products shall be exempted from payment of forest charges.
19 However, the municipality/city government concerned may enact an ordinance
20 imposing service charges which shall constitute a lien on the trees; and
- 21
- 22 c) The TLC, CTO and COU are transmissible either by voluntary transfer or by
23 testate or intestate succession.

24
25

26 **SEC. 9. *Obligations of the Grantees, the Grantors, the DENR and the LGUs.*** The
27 following obligations are hereby imposed for the effective and successful
28 implementation of the Program:

- 29
- 30 a) *On the part of the Grantees.* The grantees or beneficiaries of the Tree for Legacy
31 Program shall:
- 32 1) Prepare an Indicative Development and Environment Plan for the project;
- 33 2) To finance all the necessary cost in undertaking the tree planting activities;
- 34 3) Assist in the delineation and survey of the area applied for under the Tree for
35 Legacy contract;

- 1 4) Abide by the standards and guidelines prescribed by DENR with respect to
- 2 proper forest plantation management; and
- 3 5) Report any violation of forest laws, rules and regulations.

4

5 **b) *On the part of the Department of Environment and Natural Resources (DENR).***

6 The DENR, through its Provincial Offices shall:

- 7 1) Assist the grantee in the preparation of the Indicative Development and
- 8 Environment Plan as part of the TLC;
- 9 2) Together with the respective LGUs, provide technical and marketing
- 10 assistance to the holders of the CTO and COU;
- 11 3) Issue permit to cut, harvest or transport timber or lumber subject to existing
- 12 forestry laws, rules and regulations;
- 13 4) Determine the trees to be harvested in coordination with the municipal/city
- 14 government; and
- 15 5) Monitor the cutting and processing of trees including the transport of forest
- 16 products in coordination with the concerned municipal /city government.

17

18 **c) *On the part of the Municipal / City Government.*** The concerned municipal/city

19 government shall:

- 20 1) Serve as custodian and registering officer of all documents relative to this
- 21 program in coordination with the DENR local office;
- 22 2) Assist in the identification of sites for tree planting;
- 23 3) Establish seedling nursery; and
- 24 4) Monitor the implementation of the program in the municipality / city.

25

26 **d) *On the part of the Sangguniang Barangay.*** The Sangguniang Barangay, through

27 the Punong Barangay shall:

- 28 1) Validate the identity of participants and issue appropriate certification
- 29 thereof; and
- 30 2) Act as arbiter of all conflicts arising relative to the program.

31

32 **e) *On the part of the Grantor.*** The Grantor, together with the DENR and the

33 Provincial Government, shall:

- 34 1) Identify, evaluate, and survey and map out areas subject to the Program;

- 1 2) Approve and issue the Tree for Legacy Agreement (TLC) for areas within the
- 2 private and public forest lands;
- 3 3) Approve and issue CTO within private and public forestlands within the
- 4 production forest plantations;
- 5 4) Approve and issue COU within protection forest plantations;
- 6 5) Provide technical and marketing assistance to the program beneficiaries;
- 7 6) Establish a date-base system on all projects within its jurisdiction; and
- 8 7) Monitor program implementation in the province.

9
10 **SEC 10. *Rights of the Grantee.*** The grantee shall exercise the following rights:

- 11 a) Sell, convey and transfer to any person or group of persons, associations,
- 12 corporations, government agencies or entitles rights over the standing
- 13 planted trees covered by the CTO;
- 14 b) Gather and harvest fruits and other by-products thereof covered by COU;
- 15 c) Transfer by will and testament or through intestate succession the trees
- 16 covered by his/her CTO /COU;
- 17 d) Utilize the land for agroforestry to prevent activities that may endanger the
- 18 ecological conditions of the area (such as fires, and the use of the kaingin
- 19 system)and promote other productive purposes (such as ecotourism and agri-
- 20 tourism);
- 21 e) Utilize branches as a result of pruning and thinning and enjoy the right to cut
- 22 trees destroyed by natural calamities or disease after inventory of such
- 23 damaged trees has been jointly made by both the DENR and the Provincial
- 24 Government;
- 25 f) Harvest and utilize planted trees in production areas covered by CTO; and
- 26 g) In case of private properties, if the grantee has already harvested the tree
- 27 crops, the owner shall have the right to utilize his /her land for agricultural
- 28 purposes.

29
30 **SEC 11. *Assistance by Government Agencies.*** To ensure the progressive

31 development and success of the program, assistance to the local government units shall

32 be provided by the following agencies, but not limited to the:

- 33 a) Department of Interior and Local Government (DILG);
- 34 b) Department of Agriculture (DA);
- 35 c) Department of Education (DepEd);

- d) Commission on Higher Education (CHED);
- e) Department of Trade and Industry (DTI);
- f) Philippine Coconut Authority (PHILCOA);
- g) Armed Forces of the Philippines (AFP); and
- h) Philippine National Police (PNP).

The assistance shall either be in the form of financial, technical and marketing assistance, provision of seedlings, tools and equipment, and other services within the ambit of the agencies' respective fields of specialization.

SEC 12. Designation and Obligations of Area Manager. To guarantee the successful implementation and close monitoring of the Program, a licensed Forester or Agroforester shall be appointed by the Provincial Governor as Area Manager of the Program in the province.

The Area Manager shall have the following obligations:

- a. Ensure the proper inventory of trees;
- b. Facilitate the issuance of certificates and permits;
- c. Monitor the implementation of the Program within his area of responsibility;
- d. Establish a marketing mechanism that will link the planters to local and international market; and
- e. Perform other acts necessary or incidental thereto for the effective and successful implementation of the Program.

SEC 13. Implementing Rules and Regulations. The DENR, in coordination with the Department of Local and Interior Government (DILG) and the House Special Committee on Reforestation and the Senate's Committee on Environment and Natural Resources shall within six (6) months from the effectivity of this Act, promulgate the implementing rules and regulations necessary for the effective implementation of this Act.

1 **SEC 14. Report to Congress.** The DENR shall report to Congress at the end of
2 every year following the approval of this Act, the progress of the program and
3 recommend necessary actions for legislation.

4
5
6 **SEC 15. Congressional Oversight.** An oversight committee consisting of five (5)
7 members each from both houses of Congress shall constitute a Joint Congressional
8 Oversight Committee who shall conduct a review and assessment of the program with
9 the aim of strengthening or improving program implementation.

10
11 The Oversight Committee shall be composed of representatives from each House
12 from their respective Committees on Environment and Natural Resources.

13
14
15 **SEC 16. Penalties.** Failure of the grantee to comply with the terms and
16 conditions stipulated in the TLC or violation of any of the pertinent forestry laws, rules
17 and regulations shall constitute a ground for the suspension or cancellation of the rights
18 and privileges under the Program or the reduction of granted areas, when applicable.

19
20 Failure of the grantor to comply with the terms and conditions stipulated in the
21 TLC or violation of any of the pertinent forestry laws, rules and regulations shall
22 likewise make him liable for the penalties stated hereunder.

23
24 Any person, natural or juridical, found guilty of violating any provisions of this
25 Act or the rules and regulations issued by the DENR shall, after due process and upon
26 conviction, either be fined in the amount of not less than Ten Thousand Pesos (PhP
27 10,000.00) but not more than One Hundred Thousand Pesos (PhP 100,000.00), or be
28 sentenced to imprisonment of not less than one (1) month to six (6) months, or both, at
29 the discretion of the Court: *Provided*, That if the area requires rehabilitation or
30 restoration as determined by the Court, the offender shall be required to restore or
31 compensate for the restoration of the damage; *Provided, further*, That if the offender is an
32 organization, association or corporation, the president, or the manager and the officer
33 who has direct knowledge of the offense shall be held liable under this Act.

1 **SEC 17. Separability Clause.** Should any provision of this Act be declared
2 unconstitutional, the validity or legality of the other provisions that can stand
3 independently shall not be affected thereby.

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6 **SEC 18. Repealing Clause.** All laws, presidential decrees, executive orders, rules
7 and regulations or parts thereof which are inconsistent with the provisions of this Act
8 are hereby repealed or modified accordingly.

9

10

11 **SEC 19. Effectivity.** This Act shall take effect fifteen days after its complete
12 publication in the Official Gazette or in two (2) newspapers of general circulation,
13 whichever comes first.

14

15

16 *Approved,*