

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

7 31-3 76:27

SENATE

S. B. No. 913

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Introduced by SENATOR EDGARDO J. ANGARA

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**EXPLANATORY NOTE**

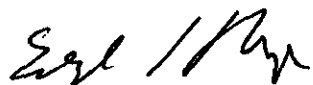
The destruction of Philippine forests has been described as the most rapid and most massive in the world. According to the Asian Development Bank (ADB), the average annual rate of deforestation in the country is one of the highest in East Asia and Southeast Asia at 1.4%.

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: 

Introduced by SENATOR EDGARDO J. ANGARA

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:*

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**SECTION 1. *Short Title.*** This Act shall be known as the *“Tree for Legacy Act of 2007.”*

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

- a. The State shall ensure equitable access and sharing of rights to natural resources development, management, protection and utilization by providing opportunities to the people to participate actively in forest resource development;
- b. The State recognizes the role of local government units (LGUs), people’s organizations and the community in general as effective partners of the government in the implementation and management of community-based forestry projects and other forest development projects.

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

Specifically, this Act aims to attain the following objectives:

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

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

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

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

30 Beneficiaries of existing DENR reforestation programs may also avail of this  
31 Program.

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33 **SECTION 7. *Issuance of Agreements, Certificates and Permits.*** To  
34 ensure and enable the proper implementation of the Program, the following  
35 contracts, certificates and permits shall be issued:

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

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

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

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

27 d) **Permit to Harvest.** Those with Certificates of Usufruct (COU) shall  
28 immediately be given the permit to harvest the fruits and other by-products  
29 thereof: *Provided*, That no cutting of trees that will be involved. The permit  
30 shall be issued by the local DENR office concerned upon the recommendation  
31 of the Provincial Government.

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

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1           **SECTION 8. *Incentives and Privileges.*** To encourage participation in the  
2 Tree for Legacy Program, the following incentives and privileges are hereby  
3 granted:

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

14  
15           **SECTION 9. *Obligations of the Grantees, the Grantors, the DENR and***  
16 ***the LGUs.*** The following obligations are hereby imposed for the effective and  
17 successful implementation of the Program:

- 18       a) ***On the part of the Grantees.*** The grantees or beneficiaries of the Tree for  
19 Legacy Program shall:
- 20           1) Prepare an Indicative Development and Environment Plan for the project;  
21           2) To finance all the necessary cost in undertaking the tree planting  
22           activities;
- 23           3) Assist in the delineation and survey of the area applied for under the Tree  
24           for Legacy contract;
- 25           4) Abide by the standards and guidelines prescribed by DENR with respect  
26           to proper forest plantation management; and
- 27           5) Report any violation of forest laws, rules and regulations.
- 28       b) ***On the part of the Department of Environment and Natural Resources***  
29 ***(DENR).*** The DENR, through its Provincial Offices shall:
- 30           1) Assist the grantee in the preparation of the Indicative Development and  
31           Environment Plan as part of the TLC;
- 32           2) Together with the respective LGUs, provide technical and marketing  
33           assistance to the holders of the CTO and COU;
- 34           3) Issue permit to cut, harvest or transport timber or lumber subject to  
35           existing forestry laws, rules and regulations;

- 1 4) Determine the trees to be harvested in coordination with the
- 2 municipal/city government; and
- 3 5) Monitor the cutting and processing of trees including the transport of
- 4 forest products in coordination with the concerned municipal /city
- 5 government.

6 c) ***On the part of the Municipal / City Government.*** The concerned

7 municipal/city government shall:

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

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

14 through the Punong Barangay shall:

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

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

19 Provincial Government, shall:

- 20 1) Identify, evaluate, and survey and map out areas subject to the Program;
- 21 2) Approve and issue the Tree for Legacy Agreement (TLC) for areas within
- 22 the private and public forest lands;
- 23 3) Approve and issue CTO within private and public forestlands within the
- 24 production forest plantations;
- 25 4) Approve and issue COU within protection forest plantations;
- 26 5) Provide technical and marketing assistance to the program beneficiaries;
- 27 6) Establish a date-base system on all projects within its jurisdiction; and
- 28 7) Monitor program implementation in the province.

29

30 **SECTION 10. *Rights of the Grantee.*** The grantee shall exercise the

31 following rights:

- 32 a) Sell, convey and transfer to any person or group of persons, associations,
- 33 corporations, government agencies or entitles rights over the standing
- 34 planted trees covered by the CTO;
- 35 b) Gather and harvest fruits and other by-products thereof covered by COU;

- 1 c) Transfer by will and testament or through intestate succession the trees  
2 covered by his/her CTO /COU;
- 3 d) Utilize the land for agroforestry to prevent activities that may endanger  
4 the ecological conditions of the area (such as fires, and the use of the  
5 kaingin system)and promote other productive purposes (such as  
6 ecotourism and agri-tourism);
- 7 e) Utilize branches as a result of pruning and thinning and enjoy the right to  
8 cut trees destroyed by natural calamities or disease after inventory of  
9 such damaged trees has been jointly made by both the DENR and the  
10 Provincial Government;
- 11 f) Harvest and utilize planted trees in production areas covered by CTO; and
- 12 g) In case of private properties, if the grantee has already harvested the tree  
13 crops, the owner shall have the right to utilize his /her land for  
14 *agricultural purposes*.
- 15

16 **SECTION 11. *Assistance by Government Agencies.*** To ensure the  
17 progressive development and success of the program, assistance to the local  
18 government units shall be provided by the following agencies, but not limited to the:

- 19 a) Department of Interior and Local Government (DILG);
- 20 b) Department of Agriculture (DA);
- 21 c) Department of Education (DepEd);
- 22 d) Commission on Higher Education (CHED);
- 23 e) Department of Trade and Industry (DTI);
- 24 f) Philippine Coconut Authority (PHILCOA);
- 25 g) Armed Forces of the Philippines (AFP); and
- 26 h) Philippine National Police (PNP).

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

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

35 The Area Manager shall have the following obligations:

- 36 a. Ensure the proper inventory of trees;

- 1           b. Facilitate the issuance of certificates and permits;  
2           c. Monitor the implementation of the Program within his area of  
3           responsibility;  
4           d. Establish a marketing mechanism that will link the planters to local and  
5           international market; and  
6           e. Perform other acts necessary or incidental thereto for the effective and  
7           successful implementation of the Program.

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

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16          **SECTION 14. *Report to Congress.*** The DENR shall report to Congress at  
17          the end of every year following the approval of this Act, the progress of the program  
18          and recommend necessary actions for legislation.

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20          **SECTION 15. *Congressional Oversight.*** An oversight committee  
21          consisting of five (5) members each from both houses of Congress shall constitute a  
22          Joint Congressional Oversight Committee who shall conduct a review and  
23          assessment of the program with the aim of strengthening or improving program  
24          implementation.

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

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28          **SECTION 16. *Penalties.*** Failure of the grantee to comply with the terms  
29          and conditions stipulated in the TLC or violation of any of the pertinent forestry  
30          laws, rules and regulations shall constitute a ground for the suspension or  
31          cancellation of the rights and privileges under the Program or the reduction of  
32          granted areas, when applicable.

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



1           Any person, natural or juridical, found guilty of violating any provisions of  
2 this Act or the rules and regulations issued by the DENR shall, after due process  
3 and upon conviction, either be fined in the amount of not less than Ten Thousand  
4 Pesos (PhP 10,000.00) but not more than One Hundred Thousand Pesos (PhP  
5 100,000.00), or be sentenced to imprisonment of not less than one (1) month to six  
6 (6) months, or both, at the discretion of the Court: *Provided*, That if the area  
7 requires rehabilitation or restoration as determined by the Court, the offender shall  
8 be required to restore or compensate for the restoration of the damage; *Provided*,  
9 *further*, That if the offender is an organization, association or corporation, the  
10 president, or the manager and the officer who has direct knowledge of the offense  
11 shall be held liable under this Act.

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13           **SECTION 17. *Separability Clause.*** Should any provision of this Act be  
14 declared unconstitutional, the validity or legality of the other provisions that can  
15 stand independently shall not be affected thereby.

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

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

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25           *Approved,*

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