



## HOUSE OF REPRESENTATIVES

**H. No. 375**

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BY REPRESENTATIVES DE VENECIA, TEODORO, ALVAREZ (G.), GATLABAYAN, ONG, ENVERGA, JOSON, ALMARIO, CUA (G.), ZAMORA (M.), VILLAROSA, RAMIRO, MARAÑON, TUPAS, PINGOY, RODRIGUEZ, ANGARA, ANTONINO-CUSTODIO, DEL MAR, ABANTE, ABAYA, ABLAN, ALBANO, ALCALA, ALVAREZ (A.), ANTONINO, AQUINO, ARAGO, ARENAS, ARNAIZ, ARROYO (D.), BARZAGA, BELMONTE, BELTRAN, BIAZON, BICHARA, BIRON, BONDOC, CABILAO, CAGAS, CAJAYON, CAJES, CASTRO, CHAVEZ, CHIONGBIAN, CHIPECO, CLARETE, CLIMACO, COSCOLUELLA, CRISOLOGO, CUA (J.), CUENCO, DATUMANONG, DAYANGHIRANG, DAZA, DE GUZMAN, DEFENSOR (A.), DIMAPORO, DOMOGAN, DUAVIT, EMANO, ERMITA-BUHAIN, ESCUDERO, ESTRELLA (C.), FERNANDEZ, FUA, GARAY, GARCIA (A.), GARCIA (P.), GARCIA (P.J.), GARCIA (V.), GARIN, GATCHALIAN, GO, GONZALES (A.), GONZALES (N.), GULLAS, HOFER, HONTIVEROS-BARAQUEL, ILAGAN, JAAFAR, JALA, JALOSJOS, JALOSJOS-CARREON, LABADLABAD, LAGBAS, LAGDAMEO, LAGMAN, LIM, LOCSIN, MAGSAYSAY, MALAPITAN, MANGUDADATU, MATUGAS, MENDOZA, MIRAFLORES, MITRA, NAVA, NICOLAS, OLAÑO, PANCRUDO, PICHAY, PIÑOL, PLAZA, PUNO, REYES (V.), RODRIGUEZ-ZALDARRIAGA, ROMARATE, ROMUALDEZ, ROMUALDO, ROMULO, ROXAS, SILVERIO, SOON-RUIZ, SY-ALVARADO, TALIÑO-MENDOZA, TAÑADA, TIENG, UY (R.A.), VELARDE, VILLAFUERTE, VILLANUEVA AND ZAMORA (R.)

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AN ACT TO SPUR THE PLANTING OF A BILLION TREES AND FOR  
OTHER PURPOSES

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

CHAPTER I

BASIC POLICIES, OBJECTIVES AND COVERAGE

SECTION 1. *Short Title.* – This Act shall be known as the “Billion Trees Act of 2007”.

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Towards this end, the protection and rehabilitation of forestlands shall be given the highest priority to ensure environmental stability of the nation.

The State shall adopt and implement a sustainable forest development and management program. It shall create opportunities for the participation of all sectors of society, particularly the upland, lowland and coastal families, communities and organizations, national government agencies, local government units (LGUs), nongovernment organizations (NGOs), schools, colleges and universities, private landowners and juridical personalities, and indigenous peoples in the national reforestation program of denuded forestlands, idle alienable and disposable (A&D) land, private lands and other government lands.

1           The State shall likewise adopt various approaches to community-based  
2 forest management in consideration of differences in the sociocultural,  
3 environmental and geophysical nature of the country's forestlands.

4           SEC. 3. *Objectives.* – The Billion Trees Program aims to improve the  
5 country's ecology and forest regeneration capacity.

6           More specifically, it intends:

7           (a) To hasten reforestation efforts in upland, lowland and coastal  
8 communities in a more efficient manner;

9           (b) To minimize soil erosion, flash flooding, siltation of rivers and  
10 dams, drought and other negative consequences through rehabilitation of  
11 degraded watershed areas;

12           (c) To make forest and fruit tree seedlings available and more  
13 accessible to all cities and municipalities in the country;

14           (d) To promote forest diversity through the reintroduction of endemic  
15 species such as dipterocarps, pine, mangroves, etc.;

16           (e) To help rehabilitate wildlife habitat through effective forest  
17 protection strategy;

18           (f) To ensure adequate supply of forest and agricultural products in the  
19 future; and

20           (g) To generate employment opportunities and provide additional  
21 income to the countryside and rural communities.

1           SEC. 4. *Coverage.* – At least one million (1,000,000) hectares of open  
2   and denuded public forestlands, production forestlands, protection forestlands,  
3   critical watersheds, national parks and protected areas under the National  
4   Integrated Protected Areas System (NIPAS), ancestral lands, private lands, idle  
5   portions of alienable and disposable lands of the government, reservations  
6   under the jurisdiction of other government agencies, and city and municipal  
7   parks, including portions of the required open spaces in subdivision projects,  
8   are targeted for the first five (5) years of the implementation of this Act, to be  
9   planted to both forest and fruit tree species.

10          SEC. 5. *Definition of Terms.* – As used in this Act, the following terms  
11   shall mean:

12          (a) “Alienable and disposable (A&D) lands” refers to lands of the  
13   public domain which have been delimited, classified and declared as such, and  
14   available for disposition under the provisions of Commonwealth Act No. 141,  
15   as amended, otherwise known as the Public Land Act.

16          (b) “Billion Trees Program” refers to the national reforestation program  
17   under this Act for the reforestation and rehabilitation of denuded public  
18   forestlands, production forestlands, protection forestlands, critical watersheds,  
19   national parks and protected areas under the NIPAS, ancestral lands, private  
20   lands, idle portions of alienable and disposable lands of the government,  
21   reservations under the jurisdiction of other government agencies, and city and

1     municipal parks, including portions of the required open spaces in subdivision  
2     projects. The participants in the program are organized communities, people's  
3     organizations, cooperatives, NGOs, juridical personalities, government  
4     agencies including LGUs, upland and coastal families, and private individuals  
5     and government employees including members of the military and the  
6     Philippine National Police (PNP). The Billion Trees Program is geared  
7     towards both livelihood creation in the upland and coastal areas and  
8     environmental protection and rehabilitation of degraded and critical  
9     ecosystems. A "Billion Trees Program Contract" entered into by and between  
10    the Department of Environment and Natural Resources (DENR) and a  
11    participant shall serve as proof of participation for the enjoyment of rights and  
12    technical services from participating agencies of the government and the  
13    performance of obligations pursuant to this Act. The contract shall be for  
14    twenty-five (25) years, renewable for another twenty-five (25) years.

15           (c) "Community" refers to a group of people occupying a particular  
16    territory.

17           (d) "Critical watershed" refers to a drainage area of a river system, lake  
18    or water reservoir supporting existing and proposed hydroelectric power plants,  
19    domestic water supply, and irrigation works needing immediate rehabilitation  
20    and protection to minimize soil erosion and improve water yield.

(e) "Eco-tourism spot" refers to a plantation site developed for biodiversity conservation and cultural and human enjoyment such as a forest park, bird and some wildlife sanctuary, and where sound tourism activities are sustainably implemented, yielding socioeconomic benefits. The developer can put up auxiliary services and collect appropriate fees for his/her income and for the maintenance of the area.

(f) "Forest charges" refers to the levy imposed and collected by the government on timber and other forest products cut, harvested or gathered from the forestlands and from A&D lands in accordance with Republic Act No. 7161 (Increasing the Forest Charges on Timber and Other Forest Products).

(g) "Forest diversity" is the variety and variability of forest species growing in the forestland. In the plantation, at least three (3) different species, including fuelwood species, and other species such as banana, bamboo, etc., should be planted every ten (10) hectares, with the least planted species occupying at least one-fifth (1/5) of the ten (10)-hectare area.

(h) "Forestlands" refers to lands of the public domain that have been classified as such and all unclassified lands of the public domain. For the purpose of this Act, forestlands shall be subclassified into production forestlands and protection forests.

(i) "Forest reservation" refers to a forestland which has been set aside by law for a specific purpose or purposes, such as watershed reservation, military or civil reservation.

(j) "Fuelwood species" are tree species of high calorific value and are suitable for fuelwood or firewood such as, but not limited to, ipil-ipil, kakawate, agoho, kamachile, gmelina, acacia, bakauan and neem tree.

(k) "Green park" refers to an area designated on the subdivision plan of forested land reserve for public use as an ecological refuge. Such green park shall be devoted exclusively to the planting and growing of trees of any kind, flowering or ornamental plants and shrubs, or plants of scenic, aesthetic and ecological values.

(l) "Hardwood" refers to heavy, compact and close-grained wood, attributed to such trees as narra, mahogany, acacia, tanguile, guiyo and molave.

(m) "Indigenous peoples" refers to a tribe or indigenous Filipinos who have continuously lived as communities on communally bounded and defined land since time immemorial and have succeeded in preserving, maintaining and sharing common bonds or languages, customs, traditions and other distinctive cultural traits.

(n) "Industrial Forest Plantation Management Agreement (IFPMA)" is a contract entered into by and between a qualified person and the government for the former to occupy and possess for a definite period of time in

1 consideration of a specified rental a specific area of the production forestland  
2 in order to establish an industrial forest plantation.

3 (o) "Military reservation" refers to a forestland proclaimed or reserved  
4 by the President or by law for military purposes such as air base, campsite,  
5 docks and harbors, training camp, firing range, naval base, target range and  
6 wharves.

7 (p) "Mini forest reserve" refers to lands withdrawn from settlement or  
8 occupancy upon which are found either natural vegetation or plantation of  
9 forest flora, such as trees and most particularly hardwood trees, or both,  
10 occupying a definable aggregate area exceeding but not less than one (1)  
11 hectare in size with the tree crowns covering at least ten percent (10%) of the  
12 area, exclusive of seedlings, saplings, bushes and other undercover vegetation.

13 (q) "National park" refers to lands of the public domain classified as  
14 such in the 1987 Philippine Constitution which include all areas under the  
15 NIPAS pursuant to Republic Act No. 7586, primarily designated for the  
16 conservation of native plants and animals, their associated habitats and cultural  
17 diversity.

18 (r) "Private lands" refers to lands covered by either administrative or  
19 judicial titles such as free patent, homestead and sales patent, and Torrens title  
20 obtained under Act No. 496 or the Land Registration Act, as amended.



(s) "Silviculture" refers to the scientific method of growing forest trees, their management and harvest. This includes such practices as assisted natural regeneration (ANR), timber stand improvement (TSI) and selective cutting method.

(t) "Subdivision project" refers to a tract or parcel of land registered under the Land Registration Act, as amended, partitioned primarily for residential purposes into individual lots, with or without improvement thereon, and offered to the public for sale, in cash or installment terms. It shall include all residential, commercial, industrial and recreational areas, as well as open spaces and other community and public areas in the project.

## CHAPTER II

### PROGRAM IMPLEMENTATION

SEC. 6. *Implementing Agencies and Institutions.* – The following agencies shall perform major roles:

(a) The DENR and its network of Provincial/Community Environment and Natural Resources Offices (PENROs/CENROs) shall be the overall planning, implementing, coordinating and monitoring agency of the Billion Trees Program, particularly in the identification, selection and allocation of sites; establishment of modern greenhouses and nurseries for the distribution of quality planting materials; planting of the right species in particular areas; prioritization of critical watersheds; application of efficient reforestation

1 technologies; adoption of the necessary steps to protect and maintain newly  
2 reforested areas, remaining natural forests, national parks and protected areas;  
3 maintaining a data base on the number of areas under the program including  
4 the identities and addresses of participants for monitoring and evaluation, and  
5 market linking especially with the international market; conduct of research,  
6 information and education campaigns (IEC); and the issuance of permit to cut  
7 and transport trees from plantations: *Provided, That* within civil and military  
8 reservations and private landholdings of other government agencies, the DENR  
9 shall coordinate with the concerned government agencies and the latter shall  
10 likewise be responsible in monitoring and protecting the plantations established  
11 pursuant to this Act. The DENR shall provide data to the LGUs pertaining to  
12 the priority reforestation areas under this Act for inclusion in the development  
13 plans of concerned LGUs;

14 (b) The LGUs shall mobilize the police and help organize communities  
15 and other sectors of society to participate in the Billion Trees Program.  
16 Concerned LGUs shall coordinate with the DENR in the deputization of  
17 members of the PNP who shall be responsible for joint forest protection  
18 activities with the DENR. The LGUs shall ensure close coordination with the  
19 DENR to initiate the necessary extension service, information and education  
20 campaigns and organize communities and concerned civil society in  
21 undertaking relevant programs and activities.

1           As mandated under the Local Government Code, the LGUs shall be  
2   responsible in the distribution of seedlings or planting materials and the  
3   establishment and development of modern greenhouses and nurseries as part of  
4   their extension services in their respective constituencies;

5           (c) The Department of National Defense (DND) shall organize a  
6   special unit whose main responsibility shall be reforestation denuded portions of  
7   military reservations and other areas designated jointly with the DENR and  
8   maintaining and protecting forest areas, both natural and plantation. It shall  
9   also assign full-time personnel to protect forest areas, in accordance with  
10   Section 25 hereof;

11           (d) The Department of Agriculture (DA) shall provide technical  
12   assistance to the participants of the Billion Trees Program. It shall provide  
13   participants the know-how on proper and sustainable agricultural technologies  
14   and practices, including post-harvest techniques and marketing mechanisms,  
15   strategies and techniques. It shall utilize part of the Agricultural  
16   Competitiveness Enhancement Fund (ACEF) for the establishment of modern  
17   greenhouses and seedling nurseries in strategic upland and lowland areas for  
18   the production, promotion and distribution of quality-planting materials  
19   including fruit trees and forest species subject to the provisions of the ACEF  
20   Law, as amended;

(e) The Department of Agrarian Reform (DAR) shall provide technical assistance to the beneficiaries of the Comprehensive Agrarian Reform Program (CARP) who will utilize portions of their lands for the development of fruit tree plantations or the production of commercial tree species. Part of the Agrarian Reform Fund for upland development and the proceeds from the recovery of the Marcos wealth shall also be utilized for the establishment of modern greenhouses and seedling nurseries for the distribution of planting materials including healthy fruit tree seedlings and commercial tree species to CARP beneficiaries and neighboring communities;

(f) The Department of Education (DepEd) and the Commission on Higher Education (CHED) shall strengthen environmental education; establish seedling production stations or nurseries in the campuses of elementary, secondary and state colleges and universities; mobilize the students to plant trees in appropriate vacant areas in their localities and adopt post planting care measures; and encourage the students and their families to participate in the Billion Trees Program;

(g) The Department of Public Works and Highways (DPWH) shall be responsible for the planting of appropriate and available species on strips of land along national and arterial roads, including their maintenance and protection;

1 (h) The Department of Tourism (DOT) shall identify and promote eco-  
2 tourism in forest plantations in coordination with the DENR;

3 (i) Other government agencies such as the National Power Corporation  
4 (NPC), the National Irrigation Administration (NIA), the Philippine National  
5 Oil Company (PNOC) and the state universities and colleges (SUCs) with  
6 administrative jurisdiction over tracts of public land and critical watersheds  
7 shall also rehabilitate and reforest lands under their respective jurisdictions.

8 The SUCs shall likewise develop programs/projects that would promote  
9 appropriate silvicultural practices, production, utilization, processing and  
10 marketing techniques through IEC, training, the establishment of modern  
11 greenhouses and nurseries, and the establishment of model sites;

12 (j) The Department of Trade and Industry (DTI) shall promote  
13 understanding and the implementation of trade policies and incentives on the  
14 production, processing and marketing of timber-related products and specific  
15 crops and fruit trees; and

16 (k) The Philippine Information Agency (PIA) shall create public  
17 awareness on the program and its components, and shall be responsible in  
18 producing information materials and their dissemination through the use of the  
19 mass media.

20 SEC. 7. *Role of Nongovernmental Organizations (NGOs) and*  
21 *Academic Institutions.* – The NGOs and academic institutions shall be tapped

1 to handle relevant services, especially social and technical training and the  
2 monitoring and evaluation of the reforested area: *Provided*, That NGOs and  
3 academic institutions which handled the training shall not conduct the  
4 monitoring and evaluation of the reforested area.

### 5 CHAPTER III

#### 6 REFORESTATION OF PUBLIC FORESTLANDS

7 SEC. 8. *Contracts and Agreements.* -- Within public forestlands and  
8 idle alienable and disposable lands of the public domain under the jurisdiction  
9 of the DENR and the National Commission on Indigenous Peoples (NCIP), the  
10 rights and obligations of the participants shall depend on whether the purpose  
11 of reforesting or rehabilitating the area is for production or protection. The  
12 contracts for public reservations and other public lands under the jurisdiction  
13 of agencies of the national government or LGUs shall likewise consider the  
14 primary purpose for which said reservations were established or acquired and  
15 the actual use and condition of specific areas.

16 The contract or agreement shall be granted for twenty-five (25) years,  
17 renewable for another twenty-five (25) years, subject to the terms and  
18 conditions in the contract and subsequent rules and regulations promulgated in  
19 accordance with the pertinent provisions of this Act.

20 The Secretary of the DENR shall bestow autonomy to community  
21 environment and natural resources officers in adopting additional terms,

1 conditions, rights and other obligations in the contract consistent with the  
2 intent and purpose of this Act.

3       SEC. 9. *Rights and Obligations of Participants in Production*  
4 *Forestlands.* – The participants of the Billion Trees Program shall enjoy the  
5 right to harvest, process, sell or otherwise utilize the products grown within  
6 production forestlands or use portions of the contracted area for eco-tourism  
7 purpose.

8       The participants shall have the following obligations:

9       (a) Practice appropriate silvicultural system or cutting regimes for  
10 mature trees in accordance with management plans and replant cleared areas  
11 within one (1) year after cutting;

12       (b) Promote forest biodiversity by planting indigenous forest species  
13 and conserving natural forest species in contracted forest areas. Fuelwood  
14 trees can be planted to add to species diversity and to eliminate the cutting of  
15 prime wood species for fuel and charcoal purposes;

16       (c) Pay the government, through the DENR or the government agency  
17 that has administrative jurisdiction over the forestland, a production share from  
18 the sales of forest products harvested equivalent to the real value of  
19 government's investment in the area; and

(d) Ensure high survival rate of planted seedlings and maintain and protect trees until maturity, in exchange for the right to harvest in accordance with the DENR guidelines and to utilize the trees.

SEC. 10. *Other Incentives.* – The participants shall also enjoy the following incentives:

(a) Use the Reforested Area as an Eco-tourism Spot – Holders shall have the right to make use of the reforested and protected area as an eco-tourism spot. They may collect gate/entrance fee and put up income-generating auxiliary services for the maintenance and conservation of the area. Operation of the area shall be coordinated with the DOT for tourist promotion and the LGUs for infrastructure support and collection of appropriate taxes;

(b) Market Linkages for Agricultural Output – The DA, in coordination with the DTI's regional and provincial offices and agribusiness research organizations of the private sector, shall update upland farmers in market prices of fruits and other agricultural products, and assist them in identifying buyers and marketing outlets;

(c) Market Linkages for Forest Products – The DENR and other concerned agencies and groups shall update the participants on the location and availability of domestic and foreign buyers for particular forest products; including the specified product quality;



1           (d) Option to Turn Over the Management and the Right to Harvest the  
2     Reforested Land to the DENR at Least After Five (5) Years of the Contract –  
3     This is particularly applicable in plantations and eco-tourism spots where the  
4     trees are better left to grow and mature beyond the fifty (50)-year constitutional  
5     limit. The government, through the DENR, shall compensate the participants  
6     the amount equivalent to the stumpage value of standing trees minus real  
7     investment of the government in the area. The amount for this purpose shall be  
8     taken from the DENR's annual allocation for reforestation and forest  
9     protection activities;

10          (e) Priority to be Granted Charges and Real Property Tax – Holders of  
11     reforestation contracts under the program and awardees of other people-  
12     oriented forestry programs shall be exempted from paying taxes on revenue  
13     from reforested and protected areas; and

14          (f) Right to Securitize the Growing Trees – The participants may use  
15     the plantation of at least five (5) years old with adequate forest stand, in the  
16     issuance of asset-backed securities, such as bonds and stocks, to finance the  
17     reforestation of another area. Said asset-backed securities shall enjoy tax  
18     breaks and other incentives already provided under existing laws whenever  
19     possible.

20          SEC. 11. *Fruit Tree Plantation in Production Forestlands.* – Every  
21     area planted with the forest species shall entitle the participant to devote not

1 more than twenty percent (20%) of the area for the raising of fruit trees and  
2 other agricultural crops. The land tenure over such plantation of fruit trees or  
3 agricultural crops shall be coterminous with the terms of the contract.

#### 4 CHAPTER IV

##### 5 REFORESTATION OF MILITARY RESERVATIONS

6 SEC. 12. *Reforestation of Denuded Military Reservation Areas.* – All  
7 personnel of the Armed Forces of the Philippines (AFP) stationed temporarily  
8 or permanently in military reservation areas shall be involved in reforestation  
9 denuded portions of the area not directly utilized for military and training  
10 purposes. Reforestation activities and maintenance costs shall be funded by the  
11 DND.

12 SEC. 13. *Rights, Obligations and Incentives.* – The military and police  
13 personnel participating in the reforestation program shall enjoy rights and  
14 incentives and comply with certain obligations, as follows:

15 (a) Rights and obligations of participants within production forestlands  
16 as enumerated under Section 9 hereof;

17 (b) Incentives enumerated under Section 10 hereof;

18 (c) Special allowance as compensation for particular tasks or phases of  
19 the contract they have completed;

20 (d) Acquisition of shares of stocks of the cooperative/corporation to be  
21 formed representing the economic value of trees planted; and

(e) Earning from said stocks and revenue shares from the sale of forest products generated by the plantation as their retirement credits in the future.

SEC. 14. *Report to the DENR.* – The AFP and the PNP shall submit an annual report to the DENR on the progress of their projects including the areas they have reforested and the results of their operations in forest protection.

## CHAPTER V

### INVOLVEMENT OF PRIVATE INDIVIDUALS AND CORPORATIONS

SEC. 15. *Adoption of a Reforestation Project.* – Private individuals, corporations, foundations, foreign and local NGOs, and similar institutions interested to adopt a reforestation project shall be provided with pertinent assistance and technical support by the DENR, government agencies with administrative jurisdiction over watersheds and forestland reservations, and local government officials. The assistance funds coming from the abovementioned donor individuals, organizations or institutions may be channeled directly to the implementors and beneficiaries and assisting local NGOs. The DENR shall be informed of such arrangement for assistance in identifying priority areas for reforestation. If funds are channeled through the DENR, the latter shall enter into a Memorandum of Agreement (MOA) with the donor to account for wise and proper spending of the donated funds.

SEC. 16. *Adoption of a Forested Area for Protection.* – The private sector, in coordination with the DENR and government agencies with

1 administrative jurisdiction over watersheds and forestland reservations, may  
2 adopt a particular forested area, like portions of a national park or watershed  
3 for maintenance, protection and biodiversity conservation through a MOA with  
4 the DENR. The mechanics for the channeling of funds as specified in Section  
5 15 above shall be adopted. The DENR and government agencies with  
6 administrative jurisdiction over watersheds and reservations shall identify and  
7 publish areas available for adoption in each region or province or specific  
8 watershed or reservation.

9       SEC. 17. *Development of Private Forestry and Incentives.* – Owners of  
10 private lands who plant forest trees in their property shall enjoy the following  
11 incentives:

12       (a) Technical assistance from the DENR on proper silvicultural  
13 practices;

14       (b) Update on forest products markets and prices by the DENR and  
15 wood producer's groups or associations;

16       (c) Exemption from forest charges under Republic Act No. 7161 and  
17 value-added tax (VAT) for the sale, barter or exchange of timber and forest  
18 products, and from real property tax under Republic Act No. 7160;

19       (d) Priority in credit assistance granted by government-owned and  
20 -controlled corporations at reasonable interest rates; and

1           (e) Right to export timber and other forest products grown in the land,  
2     subject, however, to existing rules and regulations governing trade policies and  
3     incentives as provided for by the DTI.

4           For certification purposes, tree plantations shall be registered with the  
5     barangays and municipal offices which shall maintain permanent registry  
6     books.

7           SEC. 18. *Planting of Fuelwood Species.* – The DENR shall disseminate  
8     technology on the planting of fuelwood species not only to lessen the pressure  
9     on the cutting and harvesting of prime wood species for firewood purposes but  
10    also to meet fuelwood requirements and create livelihood opportunities and  
11    sources of income for the communities without impairing the integrity of the  
12    environment.

13          SEC. 19. *Ownership of Planted Trees along Highways.* – Those who  
14    planted and maintained the trees along highways, roadsides and other vacant  
15    portions of public A&D lands shall have the exclusive right to harvest and  
16    utilize the trees when these mature except the first line of trees along the  
17    roadside which shall be under the protection of the DPWH. The local CENRO  
18    shall allocate among interested individuals and/or groups the areas available  
19    for this arrangement and issue the necessary papers granting such exclusive  
20    rights and ownership to the awarded party following the guidelines on Tree  
21    Certification Ownership (TCO) to be issued by the Secretary of the DENR.

1 Should the local office of the DENR and the LGU decide to keep the other  
2 trees for ecological and beautification purposes, the parties who planted and  
3 protected the trees shall be paid a sum equivalent to the market value of the  
4 trees at the time the jurisdiction is transferred to the DENR or the LGU and the  
5 trees shall be properly marked and protected.

6 SEC. 20. *Recognition and Awards.* – The DENR, the DTI and the PIA  
7 shall advertise the names of participating corporations, agencies and NGOs  
8 and their environmental projects. Awards and recognition activities shall be  
9 determined by the DENR in collaboration with other government agencies in  
10 the implementing rules and regulations (IRR) to be promulgated pursuant to  
11 Section 37 of this Act.

## 12 CHAPTER VI

### 13 REFORESTATION BY LOCAL GOVERNMENT UNITS

14 SEC. 21. *Seedling Nursery in Every City/Municipality.* – Pursuant to  
15 Section 17b (1.i, 3.iii) of the Local Government Code, modern seedling  
16 nurseries and greenhouses shall be established in every city or municipality.  
17 For this purpose, LGUs shall be allowed to enter into contract with private  
18 enterprises. Greenhouse and nursery supervisors, whose positions shall be  
19 created by the LGUs, shall be hired and designated to establish and oversee  
20 such nurseries, which shall also contain both forest and fruit tree species. Seeds  
21 shall be secured from Seed Production Areas (SPAs) certified by the DENR.

1           SEC. 22. *Establishment of Mini-Forest Parks in Every*  
2 *City/Municipality.* – Every city or municipality shall establish a mini-forest  
3 park or multipurpose park such as a botanical garden at a ratio of not less than  
4 one (1) park per fifty thousand (50,000) population, each park to be at least  
5 half (1/2) a hectare or five thousand square meters (5,000 sq.m.) in area  
6 whenever practicable or to the extent possible and with particular emphasis on  
7 the planting and preservation of indigenous hardwood species. Each city or  
8 municipality shall submit to the DENR the list of available lands for such  
9 purpose and include in its yearly budget the necessary funds for the  
10 establishment and maintenance of urban green parks. The DENR shall work  
11 closely with local executives to ensure compliance with this provision and  
12 coordinate with various agencies of the national government and the private  
13 sector to enhance the implementation of urban forestry.

14           Roadsides and islands, campuses, office compounds, cemeteries,  
15 riverbanks, shorelines and other areas shall also be planted with trees.  
16 Students, employees and members of civic and people's organizations shall be  
17 invited to undertake the activity. The maintenance and protection of the trees  
18 shall be closely coordinated by the LGUs, the DENR and all other concerned  
19 agencies.

20           SEC. 23. *Establishment of Mini-Forest Parks in Subdivision Projects.* –  
21 Every subdivision project to be developed after the promulgation of this Act

SEC. 24. *Recognition of Outstanding and "Greenest" City or Municipality.* – Three (3) years after the effectivity of this Act, a city or municipality in each province having the best mini-forest parks and reforested idle portions of A & D land shall be given recognition and an award by the DENR and shall be promoted by the DOT as among the priority eco-tourism spots in the country: *Provided, That* the necessary tourism infrastructure and services are already in place before the area is promoted for eco-tourism.

## 11

## 12

13 SEC. 25. *Forest Protection Teams.* – The Secretary of the DENR shall  
14 enforce forestry laws to protect the remaining natural forests and plantation  
15 forests from illegal loggers, poachers, kaingin farmers, pests and diseases, fires  
16 and other factors that destroy the forest. Forest protection teams under the  
17 DENR shall be organized consisting of personnel drawn from the DENR, the  
18 AFP and the PNP including LGU-deputized local leaders on a full-time basis.  
19 They shall be assisted by personnel from other government agencies and SUCs  
20 with administrative jurisdiction over watersheds and forestland reservations,  
21 civilian volunteers, concerned NGOs and members of accredited people's



1 organizations. Equipment necessary for forest protection shall be acquired by  
2 the DENR aside from equipment support provided by other units.

3 These forest protection teams shall conduct intensive intelligence  
4 operations, regular aerial photography and surveillance to detect, identify,  
5 apprehend forest criminals for prosecution and confiscate illegally cut timber  
6 and forest products, conveyances, tools and equipment.

7 SEC. 26. *Incentives.* – Members of forest protection teams shall be  
8 granted incentives to include, but not limited to, higher base pay, free legal  
9 assistance, hazard pay, uniform allowance, group insurance and a reward  
10 system of twenty percent (20%) of the value of confiscated materials.

11 SEC. 27. *Forest Protection Equipment.* – The DENR, the DILG and  
12 the DND shall allocate in their respective annual budgets sufficient funds to  
13 provide the forest protection teams access to modern technology and  
14 equipment such as aircraft, global positioning systems, land transportation  
15 vehicles, communication facilities, ground fire fighting equipment and basic  
16 pesticides against common forest pests and insects.

17 SEC. 28. *Control of Forest Conversion to Agricultural Use.* – The  
18 DENR, the DA and the DAR shall adopt measures to stop the illegal  
19 conversion of forestland into agricultural, mining, pasture and other nonforest  
20 uses. The DENR shall cause the cancellation of instruments issued over such

lands and repossess said lands for reforestation purposes: *Provided*, That the farmers therein shall be encouraged to participate in the Billion Trees Program.

## CHAPTER VIII

### POST PLANTING PROTECTION

SEC. 29. *Trees Planted by the National Government.* – After the planting of trees by the national government, the DENR shall be responsible for watering, clearing and protecting from fire the newly planted trees.

SEC. 30. *Trees Planted by the LGUs.* – After the planting by the LGUs, the city, provincial or municipal engineer's office, together with the agriculture office of each LGU, shall be responsible for watering, clearing and protecting from fire the newly planted trees.

## CHAPTER IX

### FINANCING THE PROGRAM

SEC. 31. *Program Funding.* – In addition to funds allocated to reforestation and forest protection activities of the national government under the General Appropriations Act, the Billion Trees Program shall be financed primarily from any available Official Development Assistance (ODA) including, but not limited to, the following:

(a) Private sector investment in reforestation and tree plantation projects;

1 (b) Joint venture operations between counterpart forest resource  
2 agencies of the Philippines and an assisting country, including those qualified  
3 under the United Nations Framework Convention on Climate Change  
4 (UNFCCC) or the Kyoto Protocol;

5 (c) Funding schemes under Republic Act No. 6975 or the Build-  
6 Operate-and-Transfer (BOT) Law, as amended by Republic Act No. 7718;

7 (d) Direct project investment by LGUs, private corporations,  
8 cooperatives and where allowed, individuals on reforestation proposals  
9 approved by the DENR; and

10 (e) Securitization of grown trees which are at least five (5) years old to  
11 be undertaken by the project investor, which may be treated as asset-backed  
12 securities or bonds, to finance the reforestation of other denuded areas:  
13 *Provided, That any forest development project which shall have foreign equity*  
14 *investment such as direct investment, joint and/or BOT reforestation projects*  
15 *shall conform with the 60/40 requirement provided under the Constitution of*  
16 *the Philippines.*

17 SEC. 32. *Fund Management.* – In the case of contract reforestation  
18 managed by the DENR, the funds shall be channeled by the Department of  
19 Budget and Management (DBM) through the Land Bank of the Philippines  
20 (LBP), the Development Bank of the Philippines (DBP), or the LBP/DBP

1 accredited rural banks. Funding shall be discontinued if the allocated funds are  
2 found misused or scheduled activities are not followed. The DENR shall  
3 advise the banks on the amount and the period of release of funds to the  
4 community contractors.

## 5 CHAPTER X

### 6 CRIMINAL OFFENSES AND PENALTIES

7 SEC. 33. *Misuse of Funds.* – Any contractor, officers of cooperatives,  
8 government officials including local officials and employees, who shall  
9 unlawfully and maliciously divert the funds under this Act for purposes other  
10 than intended, shall be criminally prosecuted and, if found guilty, shall be  
11 punished with imprisonment of not less than four (4) months but not more than  
12 four (4) years.

13 SEC. 34. *Other Prohibited Acts and Penalties.* – (a) Any person other  
14 than the participant who enjoys the right to harvest the trees planted, who shall  
15 cut or gather trees from reforested area shall be fined with twice the current  
16 market value of the trees removed and its environmental cost, and/or  
17 imprisoned for a period of not less than six (6) months and one (1) day to six  
18 (6) years.

19 (b) Any person who shall violate the provisions of Section 23 hereof,  
20 or any rules and regulations promulgated thereon, shall be punished with six  
21 (6) months and one (1) day to six (6) years imprisonment, or with a fine

1 equivalent to the value, at prevailing valuation, of the area representing ten  
2 percent (10%) of the total area of the subdivision project developed for  
3 residential, industrial or commercial purposes, or both imprisonment and fine  
4 at the discretion of the court: *Provided*, That in the case of corporations,  
5 partnerships, cooperatives or associations, the president, manager or  
6 administrator or the person in-charge of the administration of the business shall  
7 be criminally responsible for such violation.

8 (c) Any person, for personal gain or profit, who shall intentionally cut,  
9 remove or in any manner destroy, set destructive fire, or cause damage to the  
10 trees and forest growth found therein, shall, upon conviction, be fined the  
11 amount of not less than Ten thousand pesos (P10,000.00) nor more than One  
12 hundred thousand pesos (P100,000.00) and punished with imprisonment for a  
13 period of not less than two (2) years and one (1) day, nor more than four (4)  
14 years for each offense: *Provided*, That the maximum penalty shall be imposed  
15 upon the offender who repeats the same offense and double the maximum of  
16 the penalty upon the offender who commits the same offense for the third time.

17 (d) Any person who shall, without permit, occupy for any length of  
18 time any portion of the mini-forest reserve or who mutilates, defaces, destroys  
19 objects of natural beauty or of scenic value within the reserve, or who assists,  
20 aids or abets any other person to do so, or refuses to vacate the reserve when  
21 ordered by the duly authorized representative of the DENR or concerned LGU,

1 shall, upon conviction, be fined the amount of not less than Five thousand  
2 pesos (P5,000.00), nor more than Fifty thousand pesos (P50,000.00) and  
3 punished with imprisonment for a period of not less than six (6) months nor  
4 more than two (2) years.

5 In all cases of illegal occupancy, the court of competent jurisdiction  
6 shall further order the eviction of the offender from the land and the forfeiture  
7 to the government of all improvements made and all vehicles, domestic animals  
8 and equipment of any kind used in the commission of the offense. If not  
9 suitable for use by the DENR, said vehicles, domestic animals, equipment and  
10 improvements shall be sold at public auction, the proceeds of which shall  
11 accrue to the DENR as additional funds for the implementation of this Act.

12 In case the offender is a government official or employee, he shall, in  
13 addition to the above penalties be automatically dismissed from office and  
14 permanently disqualified from holding any elective or appointive position.

15 SEC. 35. *Premature Cutting of Planted Trees and Noncompliance with*  
16 *Other Conditions of the Billion Trees Program Contract.* – Holders of the  
17 Billion Trees Program Contract who shall prematurely cut the trees up to one-  
18 fifth (1/5) of the area without any authority from the PENRO or the CENRO,  
19 or replant dipterocarp and other endemic species not in accordance with sound  
20 forestry management practice shall be disqualified from their rights under the  
21 contract and shall not be compensated for the value of the remaining standing

1 trees. The jurisdiction of the reforested area shall revert to the DENR. In  
2 addition, if the estimated value of the felled trees is larger than the real  
3 investment of the government in the area, such guilty party shall pay the  
4 difference in value; be ineligible to participate in future government  
5 reforestation and other forestry-related activities; and shall be criminally  
6 prosecuted and imprisoned for a period of not less than four (4) months but not  
7 more than four (4) years.

## 8 CHAPTER XI

### 9 ADMINISTRATIVE PROCEDURES AND SPECIAL CLAUSES

10 SEC. 36. *Monitoring and Evaluation.* – Periodic monitoring and  
11 evaluation of reforestation contracts, other people-oriented forestry, urban  
12 reforestation and forest protection activities shall be conducted by the  
13 PENRO/CENRO or an independent entity contracted for the purpose,  
14 whichever is practical, to ensure that proper use of resources and desired  
15 targets are accomplished on time.

16 SEC. 37. *Promulgation of Rules and Regulations.* – The Secretary of  
17 the DENR, in coordination with the secretaries and heads of identified  
18 participating agencies, shall prepare and publish the rules and regulations  
19 implementing this Act within sixty (60) days from the date of its effectivity.

1           SEC. 38. *Separability Clause.* – If any provision of this Act shall be  
2   held unconstitutional, the remaining portions not otherwise affected shall  
3   remain in full force and effect.

4           SEC. 39. *Repealing Clause.* – All laws, executive orders, rules and  
5   regulations, or parts thereof inconsistent with any of the provisions of this Act  
6   are hereby amended, repealed or modified accordingly.

7           SEC. 40. *Effectivity.* – This Act shall take effect after its complete  
8   publication in at least two (2) newspapers of general circulation.

          Approved,