

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

OFFICE OF THE CLERK

10 JUL -6 P2:03

SENATE

S. No. 360

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The growing concern for ecological balance has been motivated by the natural disasters. Disastrous floods and droughts had been contributing to the general decline in the productivity of lowland farms and fishing grounds. These calamities can basically be attributed, in one way or another, to the environmental degradation, and more specifically, to the diminution of our forests.

With the natural disasters that our country has been experiencing through the past decade, a legislation that can address the problem of forest destruction through the establishment of systems for forest management is necessary. Indigenous people and other communities whose livelihood depend on the forest have the strongest incentive for ensuring the conservation and sustainable use of our forests.

This bill provides for a Community-Based Forest Management Program (CBFMP) to be undertaken by the Department of Environment and Natural Resources, the Department of Interior and Local Government, and local government units. With this, indigenous people and other forest communities will be empowered to manage, develop, utilize and protect forest resources in a sustainable way.

In view of the foregoing, early passage of this bill is earnestly requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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AN ACT
PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF FOREST
RESOURCES AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** - This act shall be known as the "*Sustainable*
2 *Management of Forest Act of 2010.*"

3

4 **SEC. 2. *Declaration of Policy.*** - In conformity with the provision of the
5 Constitution to promote the general welfare and social justice in all phases of national
6 development, to protect and advance the right of the Filipino people to a balanced and
7 healthy ecosystem in accordance with the rhythm and harmony of nature, and to conserve
8 and develop the patrimony of the nation, the State hereby adopts the following policies
9 relative to the management of forests and their resources on a sustainable basis:

10 **(a) Sustainable and integrated management and development of forest**
11 **resources.** The management and development of forest resources in an
12 integrated and sustainable basis, focusing on the resource and the people who
13 manage and benefit from it, shall be the guiding principle in the management,
14 protection, conservation and development of forest resources, hazardous or

1 less hazardous areas that may be declared as such by the Secretary of National
2 Defense;

3 **(b) Watershed as the basic forestland management unit.** Forestland
4 management plans shall be developed and implemented utilizing the
5 watershed as the basic management unit. The forestlands shall be managed
6 under the concepts of sustainable and multiple-use, including the conservation
7 of the bio-diversity.

8 **(c) Community-based forest management (CBFM) as the principal strategy.**
9 This involves the vesting of access rights and responsibilities to local
10 communities and Indigenous People's (IPS) to promote the management and
11 development of forestland 'resources " on a sustainable basis. It shall have
12 precedence over the other strategies.

13 **(d) Multi-Sectoral participation.** The participation of all sectors of society in
14 sustainable forestland management and development shall be promoted.
15 Equitable sharing of the benefits derived from the forestlands shall be ensured.

16 **(e) Reforestation and agroforestry as priority measures.** Reforestation,
17 agroforestry and other appropriate measures including assisted natural
18 regeneration (ANR) shall be given emphasis in order to rehabilitate and
19 restore productivity of denuded and degraded lands as well as increase income
20 of the marginalized sectors of society.

21 **(f) Protection and rehabilitation of forestlands as priority.** Protection and
22 rehabilitation of forestlands including all protected areas shall be given
23 priority to ensure environmental stability, enhance biological diversity and
24 provide economic benefits.

1 (g) **Permanency of forestland limits.** The specific limits of forestlands after
2 these have been fixed and demarcated shall not be altered except through the
3 Act of Congress.

4 (h) **Forest resources to promote the common good.** The use of forest resources
5 shall bear a social function, responsibility and accountability to promote the
6 common good.

7 (i) **Professionalism in forest service.** A dynamic professional and people-
8 oriented forest service shall be established and fully supported.

9 (j) **Security of tenure.** In pursuance of the principle of multi-use forest
10 management, a secured tenure shall be guaranteed by the State.

11
12 **SEC. 3. *Definition of Terms.*** - As used in this Act, the following terms shall have
13 the corresponding meanings:

14 (a) *Agroforestry* - refers to a sustainable management of lands which increases
15 their overall productivity by properly combining agricultural crops and/or
16 livestock with forest crops simultaneously or sequentially through the
17 application of management practices which are compatible with the local
18 climate, topography, slope and soil as well as with the cultural patterns or
19 customary laws of the local population;

20 (b) *Alienable and Disposable Lands* - are those lands of the public domain
21 which have been delineated, classified and declared as such and available
22 for disposition under Commonwealth Act No. 141, as amended, otherwise
23 known as the Public Land Act;

24 (c) *Ancestral Domain* - refers to all lands and natural resources occupied or
25 possessed by indigenous cultural communities, by themselves or through
26 their ancestors, communally or individually, in accordance with their

1 customs and traditions since time immemorial, continuously to the present
2 except when interrupted by war, *force majeure*, or displaced by force, deceit
3 or stealth;

4 (d) *Annual Allowable Harvest* - refers to the amount or volume of materials,
5 whether of timber, non-timber or other forest products, authorized by the
6 government to be harvest within each year from the forests;

7 (e) *Assisted Natural Regeneration (ANR)* - refers to systematic and sustained
8 prevention of fire, care and tending of naturally-growing seedlings, and
9 other related activities implemented to expedite the restoration of forest
10 cover, including trees, brush and associated vegetation through the natural
11 process of biological succession;

12 (f) *Biological Diversity*. - means the variability among living organisms
13 including, *inter-alia*, terrestrial, marine and other aquatic ecosystems and
14 ecological complexes of which they are part, this include diversity within
15 species, between species and ecosystems;

16 (g) *Brushlands* - refer to areas characterized by discontinuous cover of shrubby
17 and non-woody vegetation including grasses usually as a result or repeated
18 clearing and burning of the original forest cover;

19 (h) *Buffer Zones* - are areas outside the boundaries of and immediately adjacent
20 to protected areas designated as such pursuant to Section 8 of the NIPAS
21 Act that need special development control in order to avoid or minimize
22 harm to the protected area;

23 (i) *Commercial Logging* - refer to cutting or felling of trees in all types of
24 forests for the purpose of disposing of the cut or felled logs for monetary
25 profits beyond survival and livelihood means;

- 1 (j) *Communal Forest* - refer to a tract of forestland set aside and established for
2 a city, municipality or barangay for protection, watershed management, eco-
3 tourism and related environmental purposes, or for implementation of socio-
4 economic development pursuant to and consistent with the CBFM strategy
5 as described herein;
- 6 (k) *Community-Based Forest Management Strategy*- refers to all organized
7 efforts of government to work with communities in and adjacent to public
8 forest lands with the intent to empower them, and entrust to them the
9 protection, rehabilitation, management, conservation, and utilization of the
10 forest lands and resources therein;
- 11 (l) *Conveyance* - refers to any vehicle, vessel, device or animals used in
12 transporting forest products;
- 13 (m) *Co-Production Agreement* - is an agreement entered into by and between a
14 qualified person/s and the government for the former to develop, utilize and
15 manage, consistent with the principle of sustainable development a specified
16 portion of the forestland wherein both parties agree to provide inputs and
17 share the products or their equivalent cash value;
- 18 (n) *Critical Watershed* - is that portion of a watershed reservation which has
19 been classified as strict protection zone and closed to all human activity
20 except for scientific studies, or for, traditional, ceremonial, or religious use
21 by indigenous peoples;
- 22 (o) *Department* - refers to the department of Environment and Natural
23 Resources;
- 24 (p) *Environment Impact Assessment (EIA)* - refers to the process of predicting
25 the likely environmental consequences of implementing projects or

1 undertakings, and designing the appropriate preventive, mitigating or
2 enhancement measures;

3 (q) *Environmental Compliance Certificate* - refers to the document issued by
4 the Department certifying that a proposed project or undertaking will not
5 cause a significant negative environmental impact; that the proponent has
6 complied with all the requirements of the Environmental Impact Assessment
7 (EIA) system, and that the proponent is committed to implement its
8 approved Environment Management Plan in the EIS or mitigation measures
9 in the Initial Environmental Examination (IEE);

10 (r) *Environmental Impact Statement (EIS) System* - refers to the entire process
11 of organization, administration, and procedures institutionalized for
12 purposes of assessing the significance of the effects of any project or
13 undertaking on the quality of the physical, biological and socio-economic
14 environment, and designing appropriate mitigating and enhancement
15 measures;

16 (s) *Flitch* - refers to a large piece of sawn log or, as that term is commonly
17 applied, to a part of a log of a greater thickness than a plank or board;

18 (t) *Forest* - refers to either natural vegetation or a plantation of forest crops
19 such as trees, or both, occupying a definable, uninterrupted or contiguous
20 areas exceeding but not less than one hectare in size with three crown
21 covering at least ten percent (10%) of the area, exclusive of the associated
22 seedlings, saplings, palms, bamboos and other undercover vegetation. A
23 natural forest is a stand dominated by trees whose structure, functions and
24 dynamics have been largely the result of a natural succession process. It
25 includes such stand types as dipterocarp, pine, mossy, molave, beach and
26 mangrove. For the purpose of this Act, natural forests may be classified

1 according to 1) primary use and management objective, and 2) growth
2 formation. In terms of primary use and management, a forest shall either be
3 classified as 1) protection forest; 2) production forest or 3) multiple-use
4 forest after its most suitable function has been determined pursuant to this
5 Act. In terms of growth formation, a natural forest is classified as either 1)
6 primary or old-growth forest which has not never been subjected to
7 significant human disturbance, or has not been significantly affected by
8 hunting and gathering of forest products, such that its natural structure,
9 functions and dynamics have not undergone any major change; or 2)
10 managed forest as herein defined;

11 (u) *Forest Charges* - refer to levies imposed and collected by the government
12 on timber and other forest products;

13 (v) *Forest Community* - is a group of people residing inside or immediately
14 adjacent to a particular forestland who are largely or partly dependent on the
15 forest resources found therein for their subsistence;

16 (w) *Forestlands* - refer to lands of the public domain which have been classified
17 as such pursuant to this Act and all unclassified lands of the public domain;

18 (x) *Forest Officer* - refers to any public officer who by nature of his/her
19 appointment or the functions of the position to which he/she is appointed, is
20 delegated by law and regulations or commissioned by competent authorities,
21 to execute, implement or enforce the provisions of this Act and other related
22 laws and regulations;

23 (y) *Forest Plantation* - refers to a tract of land extensively planted to forest
24 trees, rattan, bamboo, and all other forest species;

25 (z) *Forest Resources* - refers to all natural resources whether biomass such as
26 plants and animals or non-biomass such as soil and water as well as

1 intangible services and values present in forestlands or in other lands
2 devoted for forest purposes;

3 (aa) *Grazing Land* - refers to a part of the forestland designated and managed for
4 the raising of livestock;

5 (bb) *Indigenous Cultural Communities (ICC)* - refers to a group of people living
6 in homogenous societies identified by self-ascription and ascription by
7 others, who have continuously lived as an organized community on
8 communally bounded and defined territory, and who have continuously
9 lived as an organized community on communally bounded and defined
10 territory, and who have, under claims of ownership since time immemorial,
11 occupied, possessed and utilized such territories, sharing common bonds of
12 language, customs, traditions and other distinctive cultural traits, or who
13 have, through resistance to political, social and cultural inroads of
14 colonization, non-indigenous religious and cultures, because historically
15 differentiated from majority of the Filipinos. ICCs shall likewise include
16 peoples who are regarded as indigenous on account of their descent from the
17 populations which inhabited the country, at the time of conquest or
18 colonization, or at the time of inroads of non-indigenous religious and
19 cultures, or the establishment of present state boundaries, who retain some
20 or all of their own social, economic, cultural and political institutions, but
21 who may have been displaced from their traditional domains or who may
22 have resettled outside their ancestral domains. As used in this Act
23 indigenous cultural community is synonymous with indigenous people (IP);

24 (cc) *Industrial Forest Plantation or IFP* - refers to any tract of land and other
25 public and private lands planted to timber producing species, including
26 rubber and/or non-timber species such as rattan and bamboo, primarily to

1 supply the raw material requirements of existing or proposed forest-based
2 industries, energy-generating plants and related industries;

3 (dd) *Joint Venture Agreement* - is an agreement whereby a joint-venture
4 company is organized by the government and a qualified person, with both
5 parties having equity shares, to develop and manage, consistent with the
6 principles of sustainable development, a portion of a forestland under terms
7 and conditions mutually acceptable to both parties;

8 (ee) *Kaingeros* - refer to upland farmers who practice slash-and-burn or shifting
9 cultivation;

10 (ff) *Managed Forest* - refers to a forest under deliberate system of protection,
11 rehabilitation and development which may include utilization of resources,
12 to ensure the production of desired products and services, and the
13 conservation of soil, water, wildlife and other natural resources therein for
14 the benefit of present and future generations;

15 (gg) *Multiple Use* - refers to harmonized utilization, development and
16 management of forestland for the production of two or more products, goods
17 and/or services in conformity with the principle of sustainable development;

18 (hh) *National Park* - refers to a forest reservation essentially of natural
19 wilderness character which has been withdrawn for settlement, occupation
20 or any form of exploration except in conformity with an approved
21 management plan and set aside as such primarily to conserve the area or
22 preserve the scenery, the natural and historic objects, wild animals and
23 plants therein and to provide enjoyment of these features in such areas;

24 (ii) *Non-Government Organization (NGO)* - refers to a responsible non-stock,
25 non-profit organization created or established primarily for voluntary
26 service;

- 1 (jj) *Permit* - refers to the privilege granted by the government to a person to
2 utilize forest and wildlife resources, or to undertake specified forestry
3 activities inside the forestland which may or may not include any right of
4 possession and occupation therein, or to establish and operate a plant for
5 processing timber, non-timber or other forest products;
- 6 (kk) *Person* - refers to a natural as well as a juridical person;
- 7 (ll) *Processing Plant or Mill* - refers to a physical structure including its
8 complement of machinery and equipment used for processing of timber or
9 logs, other raw wood, non-timber or other forest products into semi-finished
10 or finished forms;
- 11 (mm) *Production Sharing Agreement* - is a contract wherein the government
12 grants to a person the privilege to manage, develop and utilize forest
13 resources within a specific area and period of time, with the grantee
14 providing the financing, technology, management, personnel and other
15 inputs necessary for the implementation of the agreement, and both parties
16 sharing the benefits under terms and conditions set forth in the agreement;
- 17 (nn) *Protected Areas* - are those areas defined and designated as such pursuant to
18 Republic Act no. 7586 or NIPAS Act;
- 19 (oo) *Reforestation* - refers to all land use activities directed towards the
20 restoration, establishment and sustained management of diversified
21 vegetation on denuded, degraded and/or marginal lands, including but not
22 limited to the planting and tending of timber, orchard and multi-use trees,
23 perennial leguminous vines (Le. cover crops), grass, shrubs, vegetative
24 hedgerows grown on contours, the establishment of check dams and other
25 measures which contribute to soil and water conservation;

- 1 (pp) *Reservation* - refers to an area of forestland that has been reserved by law
2 for a specific purpose;
- 3 (qq) *Rotation* - refers to the number of years between the initial establishment of
4 a plantation and the time when it is considered ready for harvesting;
- 5 (rr) *Secretary* - refers to the Secretary of the Department of Environment and
6 Natural Resources;
- 7 (ss) *Semi-finished Wood Products* - refer to end products requiring final stages
8 of manufacture and/or assembly such as, but not limited to, window
9 components, table tops, veneer and other similar products;
- 10 (tt) *Sustainable Development* - means meeting the needs of the present
11 generation without compromising the ability of the future generation to meet
12 their own needs;
- 13 (uu) *Sustainable forest Management and Development* - is the process of
14 managing, developing, and utilizing forestland resources to achieve the
15 production of desired products or services without impairing the inherent
16 productivity of the forest thereby insuring a continuous flow of these
17 products or services;
- 18 (vv) *Temure* - means guaranteed peaceful access to and use of specific forestland
19 area and the resources found in it by an agreement, contract or grant which
20 cannot be altered or abrogated without the process;
- 21 (ww) *Tiber License Agreement or TLA* - refers to a privilege granted by the State
22 to a person to utilize forest resources within a forestland with the right of
23 possession and occupation thereof, to the exclusion of others, except the
24 Government, but with the corresponding obligation to develop, protect and
25 rehabilitate the same in accordance with the terms and conditions set forth in
26 the said agreement;

1 (xx) *Trade* - means the act of engaging in the exchange, purchase or sale of forest
2 products locally or internationally;

3 (yy) *Watershed* - is a land area drained by a stream or a fixed body of water and
4 its tributaries having a common outlet for surface runoff;

5 (zz) *Watershed Reservation* - refers to a forestland defined in this Act and those
6 that have been proclaimed by law as such, primarily for water production
7 purposes. Other compatible uses may be allowed by the Secretary under the
8 sustainable and multiple-use management concept;

9 (aaa) *Wildlife* - means wild forms and varieties of flora and fauna;

10 (bbb) *Wood-Based Industries* - refer to various industries that are dependent on
11 wood as the principal raw material including but not limited to, the saw
12 milling industry, pulp and paper industry, plywood and veneer
13 manufacturing industry, as well as the secondary and tertiary wood
14 processing industries such as mouldings, and furniture, among others.

15 16 . CHAPTER II

17 LIMITS AND CLASSIFICATION OF FORESTLANDS

18 **SEC. 4. *Limits of Permanent Forestlands.*** - The permanent forestlands shall be
19 those lands of the public domain classified and delimited pursuant to this Act.

20 All, land of the public domain classified as forestlands by the Department as of
21 December 1994, under its Land Classification Program are hereby declared as permanent
22 forestlands.

23 Within twenty-four (24) months from the effectivity of this Act, the Department
24 shall submit to Congress maps of appropriate and uniform scale indicating, by province,
25 the specific limits of land already classified as permanent forestlands pursuant to the
26 immediately preceding paragraph.

1 The Department shall complete the classification of the remaining unclassified
2 land of the public domain within three (3) years from the effectivity of this Act. All such
3 lands which shall be classified as forestlands shall also be declared as permanent
4 forestlands upon submission by the Department of Congress, of the maps of said
5 forestlands; *Provided*, That no lands of the public domain eighteen percent (18%) or over
6 in slope shall be classified as alienable and disposable lands: *Provided, further however*,
7 That those forestlands with well-established communities duly recognized in writing
8 under the Local Government Code and RA 8371 shall be allowed to continue occupying
9 and using the specific areas they present occupy and use, subject to such rules and
10 regulations the Department may provide to ensure sustainable land-use management, and
11 tenure security, and : *Provided, finally*, That all Department records pertaining to the
12 specific limits of forestlands shall be made available to the public upon request. The
13 Department shall furnish all provincial, municipal and city government units copies of
14 the maps of permanent forestlands located within their respective territorial jurisdiction.

15

16 **SEC 5. *Additional Areas to be Included as Permanent Forest Lands.***- The
17 following lands, although below eighteen percent (18%) in slope, are needed for
18 environmental protection and forestry purposes and shall not therefore, be classified
19 as alienable and disposable lands, nor be subject to, logging, mining, quarrying, and such
20 other form of occupancy, land use or resource extraction activities:

21 (a) Areas less than two hundred fifty hectares (250 ha.) which are far from, or
22 not contiguous with any certified alienable or disposable land;

23 (b) Isolated patches of forest of at least five hectares (5 ha.) which rocky terrain
24 or which protect a spring for communal sue;

25 (c) Areas of not less than ten hectares (10 ha.) covered with natural forest;

- 1 (d) All mangroves and swamplands which are not yet classified as alienable and
2 disposable lands;
- 3 (e) Ridge tops and plateaus regardless of size found within or surrounded
4 wholly or partially by forestlands where headwaters emanate;
- 5 (f) Appropriately located road rights-of-way;
- 6 (g) Twenty-meter (20 m.) strips of land along the edge of the normal high
7 waterline of rivers and streams with channels of at least five (5) meters
8 wide, which are not classified as alienable and disposable;
- 9 (h) Strips of mangrove or swamplands at least twenty (20) meters wide, along
10 the shoreline facing oceans, lakes and other bodies of water, and strips of
11 lands at least twenty (20) meters wide facing lakes, which are not yet
12 classified as alienable and disposable;
- 13 (i) Areas needed for other purposes of public interest such as national parks,
14 national historic sites, game refuge and wildlife sanctuaries, forest station
15 sites, research/experimental purposes, and others;
- 16 (j) Areas previously proclaimed by law as forest reserves, national parks, game
17 refuge, bird sanctuaries, national shrines, national historical shrines, and
18 national historic sites;
- 19 (k) Areas within watershed reservations; and
- 20 (l) Areas considered environmentally critically because of their vulnerability to
21 damage from typhoons, landslides, volcanic eruptions and natural causes.

22 Owners who have acquired vested rights over lands enumerated above are
23 required to implement soil and water conservation measures in coordination with the
24 Department and the appropriate local government unit. An Environmental Compliance
25 Certificate (ECC) shall be required for environmentally critical projects in accordance
26 with existing law. *Provided*, That the Department and/or the local government unit

1 concerned shall immediately take the necessary steps to expropriate the property
2 concerned or cancel or amend any titles issued thereon under any of the following
3 conditions:

4 (a) Failure of the owner, after due notice, to implement appropriate soil and
5 water conservation;

6 (b) Failure of the owners to comply with ECC requirements;

7 (c) The issuance of titles or other tenurial instruments over such areas was
8 accomplished through fraud, deceit, misrepresentation or other anomalies;
9 and

10 (d) When public interest so requires.

11
12 **SEC. 6. *Non-Diminution of the Specific Limits of Forestlands.*** – The specific
13 limits of the permanent forestlands as determined in accordance with Section 4 and 5 of
14 this Act shall not be altered except by an Act of Congress.

15
16 **SEC. 7. *Delineation of Boundaries of Forestlands.*** - The Department shall
17 within three (3) years upon the effectivity of this Act delineate on the ground, the
18 boundaries between the permanent forestlands and alienable or disposable lands with
19 concrete monuments, road or infrastructure, or any other visible permanent and practical
20 signs. The Department shall allocate funds for appropriation in the annual General
21 Appropriations Act for the purpose of land classification and boundary delineation of
22 forestlands.

23
24 **SEC. 8. *Sub-classification of the Forest Land*** - The Department shall have the
25 authority to sub-classify the permanent forestlands into the following categories
26 according to primary use:

1 (a) *Protection forests* - all areas within the forestlands designated or set aside as
2 protected areas pursuant to the NIPAS Act shall constitute the protection
3 forest. All mossy and old growth forests shall also be classified as protection
4 forests. The establishment and management of protection forests shall be in
5 accordance with the said NIPAS Act;

6 (b) *Production forests* - all permanent forestland not classified as protection
7 forest pursuant to the immediately preceding paragraph (a) shall be
8 classified as either production forests devoted to production of forest
9 products, other crops and services, or as multiple-use forests consistent with
10 the definition set forth in Chapter I, Section 3, paragraph (ff) hereof. The
11 management of production forests shall be in accordance with a
12 management plan based on sustainable for management principles and
13 approved by the Department. In the implementation of sub-classification,
14 the Department shall consult with the concerned communities, local
15 government units and other stakeholders. Documentary evidence of
16 consultation initiatives, such as community assemblies, public hearings and
17 the like shall be included in the official records covering each sub-
18 classification exercise.

20 CHAPTER III

21 ADMINISTRATION AND MANAGEMENT OF FOREST LANDS

22 **SEC. 9. *Jurisdiction and Control of Forestlands.*** - The Department shall be the
23 primary agency responsible for the conservation, management and utilization of all
24 forestlands and the unclassified lands of the public domain. The Department in
25 coordination with Local Government Units and other government agencies pursuant to
26 Section 10 and 11 hereof, shall ensure that forestlands and unclassified lands of the

1 public domain are managed, conserved, developed, utilized and protected consistent with
2 the policies promulgated in this Act. The utilization and development of forestlands and
3 unclassified lands of the public domain including the natural resources therein shall be
4 undertaken in accordance with a Department approved sustainable watershed
5 management plan.

6

7 **SEC. 10. *Participation of Local Government Units in Forest Management* -**

8 Pursuant to the pertinent provisions of Republic Act No. 7160, otherwise known as the
9 Local Government Code, the Local Government Units (LGU) shall faithfully share the
10 responsibility in the sustainable management and utilization of forest resources within
11 their territorial jurisdiction including those assigned by law under the administration of
12 other government agencies as defined in Section 11, hereof. The LGU and the
13 Department, in consultation with other government agencies, local communities, non-
14 government organizations and other sectors, shall jointly undertake the preparation and
15 implementation of forestland use and watershed management plans which shall be made
16 an integral component of the LGU's comprehensive land use development plan. The
17 LGU shall be consulted on any and all forestry projects to be implemented in their
18 territorial jurisdiction and shall have equitable share of the revenues derived from the
19 forest, For this purpose, the Department, the Department of Interior and Local
20 Government (DILG), the leagues of provinces, cities, municipalities and barangays shall,
21 within one (1) year from the passage of this Act, formulate a joint strategy and program
22 to implement the provision of this Act. Nonparticipation, refusal or inaction of LGUs to
23 faithfully share the responsibilities as herein provided shall constitute an express waiver
24 to participate in forest management and the equitable share of incomes derived therefrom.

1 **SEC. 11. *Forestlands Under Other Government Agencies.*** - Forestlands and or
2 portions of such, which have been assigned by law under the administration and
3 management of other government agencies for specific purposes, including those
4 devolved to LGUs prior to the passage of this Act, shall remain under the administration
5 and management of these government agencies. These agencies shall be responsible for
6 their protection, rehabilitation and conservation. These forestlands shall be administered
7 in accordance with a forest management plan, which shall be prepared within one year
8 from the effectivity of this Act, in coordination with the Department, LGUs, local
9 communities and organization. *Provided,* That the Department and the concerned LGU
10 and the concerned government agency shall periodically review and of forest products
11 particularly timber, and building of roads and other infrastructure shall require prior
12 authorization of the Secretary of the Department. The Secretary or his duly-authorized
13 representative shall have visitorial and supervisory powers over forestlands placed under
14 the administration and management of other government agencies. *Provided, finally,* That
15 these forestlands, or portions thereof, shall be reverted to the jurisdiction and control of
16 the Department when they are no longer needed for the purpose for which they have been
17 constituted, or in the event of failure of the agency concerned to rehabilitate, protect, and
18 conserve he forestland resources in accordance with the approved management plan. The
19 Department shall determine the use of the reverted forestlands.

20

21 **SEC. 12. *Forest Resources within Alienable and Disposable Lands.*** - The
22 Department shall encouraged and provide incentives to land owners of alienable and
23 disposable lands to keep the natural forest on their lands under sustainable management
24 or develop and maintain a tree plantation on such lands. Landowners may register their
25 forests with the Department and shall be assisted in the preparation of a management

1 plan, and given other technical assistance. The utilization of trees and other forest
2 resources shall be allowed in accordance with the management plan.

4 CHAPTER IV

5 SUSTAINABLE MANAGEMENT OF FOREST RESOURCES

6 **SEC. 13. *Sustainable Forest Management Planning.*** – The Department, in
7 consultation and coordination with local government units and other concerned sectors
8 such as but not limited to other government agencies, local communities, non-
9 government organization, individual and corporate private investors and other sectors,
10 shall adopt and implement a sustainable forest management plan for each well-defined
11 watershed or other appropriate forest management unit. Within one (1) year from the
12 effectivity of this Act, the Department shall prepare a Sustainable Forest Management
13 Strategy (SFMS) that will guide the preparation of site-specific forest management plans
14 based on criteria, indicators and standards (minimum requirements) for sustainable forest
15 management. The SFMS shall, at the minimum, address the following:

- 16 (a) promotion of rational allocation of forestland uses and land use practices
17 that increase productivity, and conserve soil, water and other forestland
18 resources;
- 19 (b) protection of existing forest resources and conservation of bio-diversity;
- 20 (c) rehabilitation of denuded areas to expand the forest resource base, thereby
21 promoting agricultural development and other food production activities;
- 22 (d) enhancement of the socioeconomic well-being of local communities
23 including indigenous peoples who are largely dependent of the forest for
24 their livelihood;

- 1 (e) observance of stakeholder participation through consultation between and
2 among the Department, local government units, other national agencies, and
3 civil society in the sustainable management of forest lands;
- 4 (f) adoption of Community-based forest management as the principal strategy
5 in the management of forest land and resources, and the formulation of
6 incentives designed to promote sustainable forest management pursuant to
7 this strategy;
- 8 (g) formulation of incentives designed to promote development and sustained
9 profitability of the forest industry sector by private sector investors
10 operating either independently or in collaboration with forest-based
11 communities;
- 12 (h) integration of forest management plans with the local land use and
13 development plans; and
- 14 (i) adoption of an effective system for monitoring forest management and
15 status including optimum use of advanced technology such as, but not
16 limited to, satellite imagery analysis.

17

18 **SEC. 14. *Environmental Impact Assessment.*** - All new projects to be
19 implemented in forestlands including harvesting, grazing and other special uses, mineral
20 prospecting and exploration, road, infrastructure, and building construction shall be
21 subject to the *Environmental Impact Assessment System*.

22

23 **SEC. 15. *State of the Environment Report.*** - The Department shall conduct
24 research to the extent and state of natural forests, including forest occupants in each
25 region and province, furnishing annually both Houses of Congress a copy of the State of
26 the Environment report.

1 **CHAPTER V**

2 **COMMUNITY-BASED FOREST MANAGEMENT**

3 **SEC. 16. *Community-Based Forest Management Strategy (CBFMS).*** - Forest
4 communities, indigenous peoples and other communities whose lives, culture and general
5 well-being are intimately linked with the forests, shall be entrusted with the responsibility
6 and the privilege to protect, manage, develop and utilize forest resources under the
7 principle of stewardship. Pursuant to this policy, the State herein adopts Community-
8 Based Forest Management Strategy (CBFMS) as a principal strategy to achieve
9 sustainable forestland management, social justice and economic development particularly
10 in the rural areas. The Department shall formulate policies and guidelines that simplify
11 and facilitate access to and sustainable management of forestland resources by local
12 communities. The Department shall furthermore develop policies, guidelines and
13 incentives for private sector investors to enter into mutually beneficial relationships with
14 communities in the pursuit of sustainable forest management, social justice and economic
15 development particularly in the rural areas. The Department shall formulate policies and
16 guidelines that simplify and facilitate access to and sustainable management of forestland
17 resources by local communities. The Department shall furthermore develop policies,
18 guidelines and incentives for private sector investors to enter into mutually beneficial
19 relationships with communities in the pursuit of sustainable forest management.

20
21 **SEC. 17. *Community Resources Management in CBFM Areas.*** - The
22 management of forestland resources in CBFM areas shall be embodied in a Community
23 Resource Management Plan which contains the community's vision, aspirations and
24 strategies in the management of forestland resources. The Department, local government
25 units, other government agencies, non-government organizations, private companies and
26 individuals and other sectors shall provide these communities with appropriate long-term

1 security of tenure; technical, managerial and financial assistance, training and other
2 assistance to empower them to manage and benefit from the forestland resources on a
3 sustainable basis.

4
5 **SEC. 18. *Qualified Participants.*** - Only organized forest communities as defined
6 in this Act shall be eligible to participate in the CBFM strategy. The indigenous people
7 shall be encouraged to actively participate in the implementation of CBFM activities in
8 recognition of their rights to their ancestral domains and lands. All organizations eligible
9 to participate in CBFM shall have the following qualifications:

10 (a) Members shall be Filipino citizens; and

11 (b) Members may either be:

- 12 1) Actually tilling portions of the area to be awarded;
- 13 2) Traditionally utilizing the resource for all or a substantial portion
14 of their livelihood;
- 15 3) Actually residing within or adjacent to the areas to be awarded;
- 16 4) Tenured migrants as defined in R.A. 7586.

17
18 **SEC. 19. *Community-Based Management Special Account.*** – The Department
19 shall establish and manage a Community-Based Forest Management Special Account
20 (CBFMSA) to support the implementation of the CBFM strategy and provide financial
21 and professional incentives for deserving communities and government personnel. The
22 Department may source local and international grants and donations for the establishment
23 of the CBFMSA. Other sources of funds may later be determined by the Department
24 subject to existing government regulations.

1 **SEC. 20. *Creation of Financing Mechanisms for CBFM.*** - The Department, in
2 coordination with other agencies of government, shall develop measures for sustained
3 financing to establish CBFM in all areas of the country. Towards this end, the
4 Department shall prioritize the following: Within six (6) months from enactment of this
5 Act, the Secretary shall organize a committee composed of duly-authorized
6 representatives of the Development Bank of the Philippines (DBP), the Land Bank of the
7 Philippines (LBP), the Government Service Insurance System (GSIS), the Social Security
8 System (SSS), the Bankers Association of the Philippines and other government and
9 private financial institutions to formulate workable financing mechanisms and
10 instruments to fund implementation of the CBFM strategy and its sub-strategies. The
11 committee shall elect its chairman from among its members and shall, within one year
12 from effectivity of this Act, prepare the necessary policies, guidelines and procedures for
13 this purpose.

14 (a) In recognition of the favorable impact on water quality and supply that can
15 be achieve through sustainable forest management, the Department, in
16 collaboration with the Department of Local Government, and all
17 government, semi-government and private agencies involved in water
18 management and distribution, shall formulate policies, procedures and
19 guidelines for collection of fees for water used for domestic, industrial and
20 agricultural purposes, and allocation of such fees for watershed protection.
21 The relevant policies, procedures, and guidelines shall be designed to ensure
22 that the communities responsible for managing specific areas of forest land
23 and resources are rewarded for the management and protection measures
24 they apply, given the benefits of water supply that accrue to society at large
25 as a result of their efforts.

1 (b) Within one (1) year from effectivity of this Act, the Secretary shall submit
2 the results of (a) and (b) above to Congress through the Office of the
3 President for enactment of appropriate enabling legislation.
4

5 **SEC. 21. *Areas Available for CBFM.*** - Subject to prior vested rights, the
6 CBFMS shall be implemented on all public forestlands, ancestral domains of ICCs and
7 on protected areas subject to the provisions of the NIPAS Law. CBFM may allowed by
8 the Secretary in watershed reservations to promote adequate protection and rehabilitation
9 provided that land-use practices and activities would not induce severe soil erosion and
10 surface run-off.

11 **SEC. 22. *Recognition and Management of Ancestral Domains.*** - The
12 recognition and management of ancestral domains shall be governed by the provisions of
13 Republic Act 8371, otherwise known as the "Indigenous People's (IPS) Rights Acts of
14 1997." The National Commission on Indigenous Peoples (NCIP) shall coordinate with
15 the Department in providing assistance to the indigenous peoples in the sustainable
16 management of forest resources within ancestral lands and domains.
17

18 **CHAPTER VI**

19 **REFORESTATION PROGRAM**

20 **SEC. 23. *Reforestation in Forestland.*** - Consistent with Section 13 hereof, the
21 Department, in coordination with local government units (LGUs), other government
22 agencies, NGOs, local residents and communities shall identify and prioritize forest lands
23 to be reforested pursuant to the definition contained in Chapter I, Section 3, paragraph
24 (m) hereof and consistent with the land use of the LGUs.

1 (a) In each prioritize area, whether at the city, municipal or provincial level, the
2 Department, in coordination with the concerned LGU, shall design an
3 accelerated reforestation program designed to accomplish reforestation on a
4 least fifty percent (50%) of the prioritized area within five (5) years and
5 eight percent (80%) of the area within ten (10) years from effectivity of this
6 Act.

7 (b) To achieve the goals set forth in the immediately preceding paragraph (a),
8 the Department shall develop strategies that promote and encourage broad-
9 based participation of all sectors, particularly forest communities, LGUs,
10 private investors and non-government organizations, in reforestation.

11 (c) In its annual budget submission to the Legislature, the Department shall
12 include budgetary allocations in the General Appropriations Act in adequate
13 amounts to effectively accomplish reforestation of prioritized target areas.
14

15 **SEC. 24. *Development of Protection Forests.*** - In the identification of target
16 areas pursuant to Section 22 above, the Department shall prioritize establishment of tree
17 cover, other diversified perennial vegetation and accompanying soil and water
18 conservation measures on lands that have a direct impact on water supply and quality,
19 bio-diversity and environmental protection, with special emphasis on lands covered by
20 the NIPAS Act.

21 (a) Pursuant to the sound principles of ecological succession, and to achieve
22 optimum cost-effectiveness, assisted natural regeneration (ANR) shall be
23 prioritized in the development of protection forests and not less than fifty
24 percent (50%) of the Department's annual appropriations for development of
25 protection forests shall be allocated for ANR implementation.

1 (b) Measures which harmonize human occupation and environmental protection
2 shall be included in the development of protection forests including land
3 terracing, establishment of vegetative hedgerows on contours, planting of
4 fruit trees, bamboo and the like.

5
6 **SEC. 25. *Development of Production Forests.*** – Reforestation strategies shall
7 emphasize, prioritize and encourage the development of underutilized private land to
8 eventually supply the major portion of timber, bamboo, rattan and other forest products
9 needed to satisfy local demand and take optimum advantage of export opportunities.

10 (a) Towards this, end, the Department shall provide free technical assistance to
11 landowners who wish to implement reforestation on their private lands.

12 (b) All trees and other forest products grown on private lands shall be
13 considered agricultural crops belonging to the owner who shall have the
14 right to sell, contract, convey, process or dispose of the same in any manner
15 he/she sees fit. No forest charges, environmental fees or similar levies shall
16 be imposed by national government agencies and/or local government units
17 on such trees and other forest products grown on private land, nor shall any
18 rules or regulations be enacted to control the transport of such products
19 except those necessary to prevent accidents or damage to roads and other
20 infrastructure. Furthermore, the owners shall be entitled to the incentives
21 provided under Section 26, subsections (a), (b), (c), (d) and (e) hereof.

22 (c) In addition to private land, the development of production forests on
23 government land (i.e. forestlands) shall also be encouraged by way of long-
24 term lease and other mechanisms formulated by the Department and
25 consistent with the provisions of the Constitution and relevant legislation.

1 The Department, in coordination with potential investors, shall identify
2 denuded areas for development of production forests on government lands.

- 3 (d) The conversion of natural forests on government land to plantations or other
4 land use shall be totally banned for a period of thirty (30) years from
5 effectivity of this Act.

6
7 **SEC. 26. *Reforestation or Establishment of Forest Plantation in Forest Lands***

8 ***Under Other Government Agencies.*** - Other government agencies and institutions
9 having jurisdiction over forestlands as provided under Section 10 and 11 of this Act shall
10 be responsible for the reforestation and rehabilitation of denuded and degraded portions
11 of the forestlands under their jurisdiction. Within two (2) years from the effectivity of this
12 Act, such other agencies/institutions shall formulate management plans for their areas,
13 indicating therein the sites identified for reforestation, and sites that will be used for other
14 purposes. These plans shall be subject to approval by the Department. Failure to reforest
15 lands identified for the purpose within five (5) years from Department approval of the
16 management plans shall be sufficient grounds to revert the said forestlands to the
17 jurisdiction and control of the Department. The Department shall provide necessary
18 technical assistance upon request by the concerned agencies.

19
20 **SEC. 27. *Incentives.*** - To encourage qualified persons to engage in forest
21 plantation activities, the following incentives shall be granted, in addition to those already
22 provided by existing laws:

- 23 (a) The agreement holder shall not be subject to any obligation prescribed or
24 arising out of the provisions of the National Internal Revenue Code on
25 withholding tax at source upon interest paid on borrowing incurred for the
26 development of forest plantations;

- 1 (b) Amounts expended by the agreement holder in the development and
2 operation of a forest plantation prior to the commercial harvest, shall be
3 regarded as ordinary and necessary expense as capital expenditure;
- 4 (c) The Board of Investments shall classify forest plantations as pioneer and
5 preferred areas of investment under its annual priority plan subject to the
6 rules and regulations of the said Board;
- 7 (d) The agreement holder shall be given priority in credit assistance granted by
8 Government-owned, controlled and/or supported financial institutions. For
9 this purpose, the Committee created under Section 19 of this Act and the
10 Department shall within one (1) year of the effectivity of this Act, create a
11 favorable mechanism to support reforestation and establishment of forest
12 plantations;
- 13 (e) Upon the premature termination of agreement at no fault of the holder, all
14 depreciable including the planted, standing trees and other forest crops
15 introduced and to be retained in the area shall be properly valuated and the
16 holder shall be mutually agreed upon by both the Department and the holder
17 and in case of disagreement between them, by a mutually acceptable
18 impartial third party;
- 19 (f) No contract or agreement shall be terminated except for cause or for reason
20 of public interest, and only after due process which informs the concerned
21 parties of the intention to terminate and allows them to present their
22 objections, comments or other relevant information; and
- 23 (g) The agreement holder has the right to transfer, contract, sell or convey his
24 rights to any qualified person.

1 The Secretary of the Department may provide or recommend to the President,
2 other incentives in addition to those granted under this Section to promote reforestation
3 and establishment of forest plantations.

4
5 **SEC. 28. *Voluntary Offer to Reforest*** - Private landowners, whether natural or
6 juridical persons may participate in reforestation and plantation development or similar
7 programs of the Department, with the landowner contributing his land and the
8 Department furnishing funds to reforest the area; *Provided*, That the property shall be
9 exclusively devoted to the planting of forest species for at least one (1) rotation, which
10 undertaking shall be annotated at the back of the title of the property.

11
12 **SEC. 29. *Establishment of City or Municipal Parks or Forests***. – Every City or
13 Municipality shall establish a city or municipal park or forest and shall include in its
14 yearly budget the necessary funds for its establishment and maintenance. The Department
15 shall provide technical assistance to the city or municipality concerned upon request, and
16 shall coordinate with the Department of Interior and Local Government, non-government
17 organizations and other sectors to ensure compliance with this provision. The Department
18 shall, upon request of concerned LGU, set aside areas for watersheds or other purposes
19 that are consistent with forest conservation and protection of the environment.

20
21 **SEC. 30. *Establishment of Tree Parks in Subdivision and Providing Tree***
22 ***Planting on Roadsides***. - Every subdivision project to be developed after the passage of
23 this Act shall include the establishment of a tree park covering not less than fifty percent
24 (50%) of the total open spaces required under existing laws and regulations. Guidelines
25 for the establishment of tree parks within subdivisions shall be prepared jointly by the
26 Housing and Land Use Regulatory Board (HLURB) and the Department. For every

1 national, provincial, city or municipal road/highway construction project, the Department
2 of Public Works and Highways (DPWH) or the concerned LGU shall include the planting
3 and maintenance of tree and/or perennial shrubs along the road/highway, and
4 establishment of roadside parks-cum-rest areas planted to trees and/or perennial shrubs
5 every fifty (50) kilometers along the road/highway, and shall provide adequate funds for
6 this purpose in the respective budget for road/highway construction.

8 CHAPTER VII

9 FOREST PROTECTION

10 **SEC. 31. *Commercial Logging Activities.*** - In all forestlands as defined in
11 Section 3 (w) hereof, there shall be a ban on all commercial logging activities for a period
12 of thirty (30) years from the effectivity of this Act, and the issuance of licenses, permits
13 or agreements to harvest timber from natural forests in forestlands is hereby prohibited,
14 except as provided under Section 33, hereof. Existing timber license agreement, licenses
15 or permits shall be allowed to continue until their expiry, unless otherwise terminated for
16 cause. Upon expiration of the thirty year ban, the commercial utilization forests may be
17 allowed subject to rules and regulations prescribed by the Department.

18
19 **SEC. 32. *Exemptions.*** - Community-based forest management projects, industrial
20 forest plantations, tree farms, agro-forestry farms and other forest plantations including
21 bacauan and other mangrove forest plantations, communal forests, ancestral lands and
22 domains with approved ancestral domain management plans, and research projects
23 approved by government agencies concerned shall not be covered by Section 31 of this
24 Act. Government projects and those of public utilities involving right-of-way, the
25 development of mineral reservations and energy resource and the like shall be allowed

1 subject to the issuance of an Environmental Compliance Certificate by the Secretary of
2 the Department.

3

4 **SEC. 33. *Displaced Workers.*** - Workers of existing commercial logging
5 operations, including wood processing plants, who will be displaced as a result of this
6 Act, shall be given priority in employment in government forestry programs including
7 those mentioned in Sec. 15 of this Act as well as other reforestation programs for a period
8 of four (4) years from the effectivity of this Act; *Provided*, That workers who are upland
9 dwellers displaced as a result of this Act shall likewise be given priority for employment
10 in said forestry and reforestation programs and in the allocation of forestlands for forest
11 development and livelihood.

12

13 **SEC. 34. *Assistance of Law Enforcement Agencies.*** - The Department shall
14 deputize law enforcement agencies and instrumentalities of the Government, including,
15 but not limited to, the Philippine National Police (PNP), the Armed Forces of the
16 Philippines (AFP) and the National Bureau of Investigation (NBI), for the enforcement of
17 the logging ban and for the conservation and protection of forests. The assistance of the
18 NGOs, cooperatives, citizen groups and community organizations shall also be utilized
19 for the same purpose. The Department of National Defense (DND), through the AFP, in
20 close coordination with the Department, shall create a special forest law enforcement unit
21 through a process jointly designed by the DND and the Department and composed of
22 members recruited from the major service commands of the AFP.

23 The special unit, jointly supervised by the DND and the DENR, shall provide
24 effective protection of the country's forestlands, including Protected Areas and areas
25 which shall have been reforested. It shall likewise assist the government's reforestation

1 program in a capacity to be designated by the Department, including other tasks
2 necessary for the effective implementation of this Act.

3 The Secretary of Justice shall permanently designate a special prosecutor in every
4 city and province to immediately file charges against forest violators and ensure their
5 speedy prosecution. He shall promulgate the necessary rules and regulations to expedite
6 the prosecution of offenses committed under this Act.

7

8 **SEC. 35. *Role of Local Residents.*** - Qualified local residents may be deputized
9 by the Department to assist in the protection of forests against illegal loggers, poachers,
10 *kaingeros* and land speculators. They shall likewise be given the authority to arrest forest
11 violators within their communities, subject to existing laws and regulations on arrest and
12 detention.

13

14 **SEC. 36. *Prevention of Forest Fires and Control of Forest Pests and Diseases.*** -
15 The Department, in collaboration with the concerned local government unit, shall
16 formulate and implement a program of fire prevention and control including incentives to
17 LGUs, private organizations or individuals who participate actively in fire prevention and
18 control to reduce damage to forest resources.

19 The Department shall formulate and implement an integrated pest and diseases
20 management program including quarantine procedures for imported seeds, animals,
21 plants and other forest products and plant parts to prevent and Control Forest pests and
22 diseases.

23

24 **SEC. 37. *Information and Reward System.*** - The Department shall establish an
25 information and rewards system as part of the community's participation in the protection
26 of forest resources. The rewards shall be immediately payable upon the establishment of

1 *prima facie* proof of violation. In cases where the information given leads to the seizure
2 of logs, timber, and other forest products, and results in a conviction, the informer shall
3 be entitled to twenty percent (20%) of the gross proceeds of the seized logs/timber/other
4 forest products disposed of through public bidding which shall be payable within three
5 (3) days after full payment by the winning bidder.

7 **CHAPTER VIII**

8 **FORESTRY RESEARCH, EDUCATION TRAINING AND EXTENSION**

9 **SEC. 38. *Research and Technology Development and Transfer.*** - Research and
10 technology development transfer shall be strengthened to support sustainable
11 management of forest resources. The Department, the Department of Science and
12 Technology and the Colleges of Forestry of State Universities shall within one (1) year
13 from the passage of this Act, prepare a research and technology development and transfer
14 agenda for sustainable forest management, which shall be implemented, monitored, and
15 reviewed in accordance with existing research management systems. *Provided,* That
16 adequate and sustainable funds for research and technology development and transfer
17 shall be provided under the General Appropriations Act.

18
19 **SEC. 39. *Forestry Extension Service.*** - Within one (1) year from effectivity of
20 this Act, Department shall formulate a program for development of an effective forestry
21 extension service and include funds and plantilla for the same in its annual budget
22 submission to Congress for inclusion in the General Appropriation Act. This program
23 shall be revised and updated as needed to ensure Department capability to provide
24 competent extension services to all sectors involved or intending to participate in
25 reforestation and other forest management activities on forestlands or privately-owned
26 lands.

1 The Department, through its forestry extension service, shall also develop a
2 program to encourage land owners, especially those with lands above 18% slope, to
3 forest their properties.

4
5 **SEC.40. *National Public Information, Education and Advocacy Campaign.* -**

6 The Department, the Philippine Information Agency (PIA), the Department of Education,
7 Culture and Sports (DECS), State Universities and Colleges, Private Universities and
8 Colleges, with support from LGUs, NGOs, media and other organizations, shall
9 formulate and implement a sustained, nationwide, public information and advocacy
10 campaign for forest and natural resources conservation and sustainable development. The
11 DECS with the assistance of the Department and the College of Forestry departments of
12 State Universities and Colleges, shall formulate curricula for forest and natural resources
13 conservation, which the DECS will prescribe for inclusion in the curricula for elementary
14 and high school education. Congress shall allocate funds for the purpose of supporting a
15 systematic campaign to promote community ecological awareness throughout the
16 country.

17
18 **SEC. 41. *Formal Forestry Education.* -** The Commission on Higher Education
19 and Development (CHED) in collaboration with the Department, Board of Foresters of
20 the Professional Regulations Commission (PRC) and duly accredited Forestry
21 Professional organizations, shall actively pursue the rationalization of formal forestry
22 education to ensure high quality manpower output to meet the needs of the forestry
23 sector.

24
25 **SEC. 42. *Continuing Education in Forestry.* -** A non-formal program of
26 continuing education shall be established to maintain the growth of the forestry

1 professional. The Board of Foresters of the Professional Regulations Commission (PRC)
2 and the Civil Service Commission (CSC) shall provide the guidelines for a continuing
3 education program in forestry. The Department by itself or in cooperation with academic
4 institutions shall develop the infrastructures to institutionalize non-formal continuing
5 education for the forestry sector.

6
7 **SEC. 43. *Establishment of Training Center.*** - The Department shall establish
8 and institutionalize a network of training centers in strategic forest resources
9 management, development, and utilization to forest officers, LGUs, NGOs and local
10 communities including indigenous peoples. Furthermore, the Department shall ensure
11 that personnel appointed to critical and sensitive positions undergo training to prepare
12 them to discharge their duties and responsibilities professionally, efficiently and
13 effectively.

14
15 **SEC. 44. *Forestry Development Center.*** - The Forestry Development Center
16 (FDC) based in the College of Forestry, University of the Philippines at Los Baños,
17 established under Presidential Decree No. 1559, shall continue to serve as the primary
18 policy research and development center for forestry and natural resources management.
19 The Center shall perform its function in close coordination with the Department and other
20 policy research institutions in the country. The Center shall assist the Department in the
21 formulation, review and evaluation of proposed and existing policies on forestry and
22 natural resources management. As such, the FDC shall submit a quarterly written/formal
23 report to the Secretary on policy research and development, formulation, review and
24 evaluation of proposals and existing policies. To enable the Center to carry out its
25 mandated functions, the Department shall provide financial support to the Center based
26 on an approved program of activities, and which support shall not be less than five (5)

1 million pesos yearly and shall be incorporated in the annual appropriations of the
2 Department under the General Appropriations Act.

4 CHAPTER IX

5 DISPOSITION AND UTILIZATION OF FOREST RESOURCES

6 **SEC. 45. *Modes of Forest Management Agreement.*** – The development,
7 utilization and management of forest resources on forestlands shall be under the full
8 control and supervision of the Department. The State may directly undertake such
9 activities or it may enter into co-production, joint venture or production sharing
10 agreement with qualified Filipino citizens or corporations, subject to the relevant laws,
11 rules and regulations; *Provided,* That interested members of forest communities as
12 defined in Section 3 hereof, shall be given priority in the grant of said agreements;
13 *Provided, further,* That all applications must be acted upon within a period of six (6)
14 months. Failure to do so would be grounds for the filing of the appropriate administrative
15 or criminal charges against the officer tasked to carry out the said function. Such
16 agreements shall have a duration of twenty-five (25) years, renewable for another twenty-
17 five (25) years under such terms and conditions as may be provided by the Secretary;
18 *Provided,* That such agreements may not be terminated except for cause or when public
19 interest so requires.

20 Current holders of existing and valid licenses, contracts or agreements granted by
21 the government for the development, management and utilization of forest resources may
22 be allowed to continue under the same terms and conditions until expiry of such
23 license/contracts/agreements or the same may be converted into any other mode
24 authorized under this Act and consistent with guidelines promulgated by the Department;
25 *Provided,* That no such conversion will be allowed in protection forests as defined in

1 Section 8 of this Act. The Department is hereby authorized to formulate rules and
2 regulations covering the relevant terms and conditions thereof.

3
4 **SEC. 46. *Transfer.*** - No holder of a co-production, joint venture or production
5 sharing agreement or contract shall sub-contract, transfer, exchange, sell or convey the
6 same or any of his/her rights or interests therein without authority from the Secretary, and
7 any such change of rights/interests shall remain valid for the remaining unexpired term of
8 the original agreement, subject to compliance with the terms and conditions thereof.
9 *Provided,* That no transfer shall be authorized unless the agreement or contract has been
10 in existence and active for at least three years: *Provided, further,* That the transferor has
11 faithfully complied with the terms and conditions of the said agreement or contract; the
12 transferee has all the qualifications and none of the disqualifications to hold the same;
13 and the transferee shall assume all the obligations of the transferor.

14
15 **SEC. 47. *Non-Timber Forest Products.*** - Rattan, bamboos, vines, herbs, exudates
16 and other non-timber forest products are integral parts of the forest ecosystem. The
17 planting and sustainable management of non-timber producing species shall be
18 encouraged! and supported. The development, management and utilization of non-timber
19 forest products shall be allowed in accordance with the guidelines to be promulgated by
20 DENR. However, in granting permits to harvest or utilize non-timber forest products in
21 the natural forests, priority shall be given to local communities or indigenous peoples
22 living nearest the subject forestlands.

23
24 **SEC. 48. *Grazing.*** - The Department shall identify areas in the production forest
25 land suitable for grazing purposes. However, no forestland fifty percent (50%) in slope or
26 over may be utilized for grazing purposes.

- 1 (a) Identified grazing land shall be turned over to the Department of Agriculture
2 (DA) which shall be responsible for licensing utilization of the same through
3 lease or other appropriate arrangement by private investors, and shall
4 furthermore be responsible for supervising development and management of
5 such lands for livestock production purposes;
- 6 (b) Within six (6) months from effectivity of this Act, the Department, in
7 collaboration with the DA shall formulate and promulgate guidelines for the
8 utilization, development and management of grazing lands including, but
9 not limited to, prescriptions for pasture improvement, soil and water
10 conservation, reforestation of lands over fifty percent slope and other
11 relevant activities designed to ensure environmentally-sound management;
- 12 (c) Within one (1) year from effectivity of this Act, the DA in consultation with
13 the Department and revenue collection agencies of the government, shall
14 formulate and promulgate guidelines and criteria for establishing fees and
15 charges covering utilization of grazing lands, the amounts of which shall be
16 commensurate with a fair value due to government but not less than one
17 hundred fifty pesos (P150.00) annually per hectare;
- 18 (d) Existing pasture lease a agreement/forest land grazing lease agreements
19 shall be allowed to continue under the current terms and conditions for the
20 unexpired term subject to compliance guidelines promulgated pursuant to
21 paragraph (b.) above;
- 22 (e) The DA shall not issue any new permit, lease, or contract, nor such existing
23 agreements be allowed to continue on grazing lands if not covered by the
24 EIS and an ECC;
- 25 (f) Within one (1) year from effectivity of this Act, the DA, in collaboration
26 with the Department shall conduct and complete a review of performance of

1 existing pasture lease/forestland grazing lease agreement/permits and cancel
2 all such agreement/permits which are inactive or not in compliance with
3 terms and conditions set forth in such agreements/permits; and

4 (g) Forestlands that are the subject of cancellation shall be returned to the
5 Department for rehabilitation protection and conservation.

6
7 **SEC. 49. *Mining and Power Generation Operations in Forestlands.*** - Forest
8 resources inside mineral lands are under the Department's jurisdiction, and their
9 management and utilization are subject to the provisions of this Act. Power generation
10 and small scale mining operations in forestlands may be allowed only after the issuance
11 of an Environmental Compliance Certificate (ECC).

12
13 **SEC. 50. *Roads and other infrastructure.*** - Roads and other infrastructure inside
14 forestlands shall be constructed with the least impairment to the resource values found in
15 such forestlands. Government agencies undertaking the construction of roads, bridges,
16 communication and other infrastructure inside forestlands shall coordinate with and seek
17 prior authority from the Department.

18 Persons allowed to develop, explore or utilize forest resources as provided under
19 Section 50 of this Act, may be allowed to construct roads and other infrastructure inside
20 the forestlands in accordance with approved comprehensive management plans, and upon
21 compliance with EIA and ECC requirements and upon authorization by the Department.
22 All roads and infrastructure constructed by forest management agreement holders and
23 other permittees, licensees, lessees shall belong to the State, and their use and
24 administration shall be transferred to the government upon termination of the agreement.

1 **CHAPTER X**

2 **FOREST-BASED INDUSTRIES**

3 **SEC. 51. *Establishment and Operation of Forest-Based Industries.*** - It shall be
4 the policy of the State to assure the availability and sustainability of the country's forest
5 resources through judicious use and systematic restoration or replacement, increase the
6 productivity of forest resources to meet the demands for forest-based goods and services
7 of a growing population; enhance the contribution of forest resources for achieving
8 national economic and social development; and promote equitable access to forest
9 resources. The State shall promote the establishment, operation and development of
10 forest-based industries: *Provided*, That the Department shall regulate the establishment
11 and operation of processing plants or mills for forest products. To achieve this policy
12 statement, incentives shall be provided to forest-based industries.

13
14 **SEC. 52. *Incentives for Forest-Based Industries.*** - To enable forest-based
15 industries to be efficient, competitive and economically viable, the following incentives
16 shall be granted in addition to those already provided by existing laws:

- 17 (a) All processing plants or mills shall be granted operating permits with a
18 duration of five (5) years and automatically renewable every five (5) years
19 thereafter, subject to compliance with the terms and conditions of such
20 permits: *Provided*, That permits of processing plants owned or operated by
21 holders of forest management agreements or contracts shall be co-terminus
22 with the expiry of said agreements or contracts;
- 23 (b) The Department shall provide incentives for the processing of lesser used
24 and non-wood species, and all logging and wood processing wastes;
- 25 (c) The Department shall, within one (1) year from the effectivity of this Act,
26 submit to Congress, through the President of the Philippines, additional

1 measures that need to be legislated and that are designed to improve the
2 competitiveness and viability of forest-based industries;

3 (d) The Department shall promote and strengthen the linkages between
4 corporate and community-based industries; and

5 (e) The Department may provide other incentives to forest-based industries as
6 may be necessary.

7

8 **SEC. 53. *Export and Sale of Timber Products.*** - Finished and semi-finished
9 lumber products, wood manufactures and other finished wood products derived from
10 local and imported logs and planted species shall be allowed for export. However, logs
11 and unprocessed wood of naturally-grown species of whatever dimensions cut, gathered
12 or removed from natural forests in forestlands shall not be exported.

13 Exportation of logs, lumber and other finished products from plantations shall be allowed
14 pursuant to such guidelines that the Department may promulgate. Furthermore, no
15 restrictions, rules and regulations shall be imposed to prevent the export of timber and
16 other forest products derived from plantations established on privately owned lands.

17 No person shall sell or offer for sale any log, lumber, plywood or other
18 manufactured wood products in the international or domestic market unless he/she
19 complies with the grading rules and standards, or any act of falsification of the volume of
20 logs, lumber, or other forest products in the international or domestic market shall be
21 sufficient cause for cancellation of export license, wood processing permit, or other
22 license or permit authorizing the manufacture or sale of such products.

23 **SEC. 54. *Importation of Logs and Other Forest and Wood Products.*** - Logs,
24 lumber and other forest and wood based products may be imported subject to the tariff
25 schedules and/or rules and regulations promulgated by the government.

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CHAPTER XI

FOREST CHARGES, FEES AND RENTALS

SEC. 55. *Fees and Rentals for the Utilization, Exploitation, Occupation, Possession of and Activities Within Forestlands.* – The Department shall prescribe appropriate fees and rentals for the different kinds of utilization, exploitation, occupation, possession of, or activities within forestlands. Likewise, fees shall be collected for the filing and processing of application thereof as well as the issuance and renewal of license, permits and agreements.

SEC. 56. *Forest Charges.* - Forest charges shall be collected on forest products in accordance with the provisions of Republic Act No. 7161. The Department shall develop guidelines for the assessment and collection of forest charges.

SEC. 57. *Fees for Administrative Services Rendered by the Department.* - Fees shall be collected for various administrative services rendered by personnel of the Department in connection with their duties and responsibilities as may be requested by interested parties, including but not limited, to surveying, mapping and other similar service activities.

CHAPTER XII

APPROPRIATIONS AND FINANCING SUPPORT

SEC. 58. *Appropriations.* - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

1 **SEC. 59. Funding.** - In its budget preparation, the Department and the local
2 government units shall allot adequate funds to effectively implement (CBFM) targets and
3 shall ensure the inclusion of such budgetary allocations in the annual General
4 Appropriations Act.

5

6 **SEC. 60. Sustainable Forestry Development Fund.** - In order to provide
7 sustainable funds for forestry development and protection activities such as reforestation
8 and CBFM projects, a sustainable forestry development fund shall be created. At least
9 thirty percent (30%) of the forest charges and government share in all products removed
10 from the forestlands, rentals, proceeds from sales and confiscated forest products
11 including conveyances, fines and penalties and administrative charges shall be collected
12 and set aside for the buildup of sustainable forestry, development fund.

13 The Department, through the Forest Management Bureau (FMB), in coordination
14 with LGUs, NGOs, POs and government financial institutions shall create mechanism to
15 manage the Sustainable Forestry Development Fund.

16

17

CHAPTER XIII

18

CRIMINAL OFFENSES AND PENALTIES

19

20 **SEC. 61. Harvesting, Gathering and/or Collecting Timber or Other Forest**
21 **Products Without Authority.** - Any person who shall harvest, cut, gather, collect or
22 remove timber or other forest products form any forestland, or timber from natural forest
23 inside alienable and disposable public land, without authority from the Secretary or who
24 shall possess timber or other forest products without the pertinent required legal
25 documents shall be punished by imprisonment ranging from *prison mayor* minimum
26 period to *reclusion temporal* minimum period and/or a fine equivalent to ten times the
value of the said forest products but not less than fifty thousand pesos (P50,000):

1 *Provided*, that in case of partnership, associations or corporation, the president, managing
2 partner, and general manager shall be liable, and if such officers is an alien, he shall, in
3 addition to the penalty, be deported without further proceedings on the part of the Bureau
4 of Immigration and Deportation. Offenders who are public officials shall be deemed
5 automatically dismissed from office and permanently disqualified from holding any
6 elective or appointive position. All timber or any forest products cut, gathered, collected,
7 removed or possessed and all the conveyances, machinery, equipment, implement, work
8 animals and tools used in connection with this violation shall be seized and confiscated in
9 favor of the government.

10
11 **SEC. 62. *Illegal Cutting as an Act of Economics Sabotage.*** - If any acts
12 enumerated in the preceding section have been committed by an armed group or
13 organized group through conspiracy, threat, fraud or deceit the gathering, collecting or
14 removing timber or other forest products from any forestland or alienable and disposable
15 public land without any authority from the Secretary, or possession of timber or other
16 forest products without the pertinent required legal documents shall be considered as an
17 act of economic sabotage and shall be punishable by *reclusion perpetua*.

18
19 **SEC. 63. *Use of Illegally Cut Timber in Government Infrastructure Projects.*** -
20 Contractors of government infrastructure are required to obtain certification from the
21 Department that the lumbers used were form legitimate sources. Use of illegally cut
22 timber in government infrastructure projects is prohibited and shall be sufficient cause for
23 withholding of the payment of the contractor. Further, the contractor may be subject to
24 the penalties provided under Section 72 hereof.

1 **SEC. 64. *Damage to Residual Trees.*** - To ensure the sustainability of the forest,
2 adequate number of residual trees shall be marked to form part of the managed forest and
3 as the future timber crop before any harvesting operations commence. Any marked
4 residual tree that is damaged is subject to a fine equivalent to four times the regular forest
5 charges.

6
7 **SEC. 65. *Grazing Livestock on Forestland Without a Permit.*** - Imprisonment for
8 not less than two (2) years nor more than four (4) years and a 17 fine equivalent to ten
9 times the regular rentals due in addition to confiscation of such livestock and all
10 improvement introduced in the area in favor of the government shall be imposed on any
11 person who shall, without authority under a lease or permit, graze or cause to graze
12 livestock in forestlands, grazing lands and alienable and disposable lands, which have not
13 yet been disposed of in accordance with the Public Land Act: *Provided*, that in case the
14 offender is a corporation, partnership, or association, the officer or director thereof who
15 directly caused such shall be liable. In case the offender is a public officer or employee,
16 he shall, in addition to the above penalties, be deemed automatically dismissed from
17 office and permanently disqualified from holding any elective or appointive position in
18 the government service.

19
20 **SEC. 66. *Unlawful Occupation or Destructive of Forestlands.*** – Any person
21 who enters, occupies or possesses or makes *kaingin* for his own private use or for others,
22 in any forestland, or grazing land without authority from the Secretary, or in any manner
23 destroys such forestland or part thereof, or causes any damage to the forests found
24 therein, or assists, aids or abets any other person to do so, or sets a fire, or negligently
25 permits a fire to be set in any forestland, be punished an amount of not less than Twenty
26 Thousand Pesos (P20,000.00) nor more than one hundred thousand pesos (P100,000.00)

1 and imprisonment of not less than two (2) years nor more than twelve (12) years and a
2 fine equivalent to eight times the regular forest charges due on the forest products
3 destroyed without prejudice to payment of the full costs of rehabilitation of the occupied
4 areas as determined by the Department: *Provided further*, That the maximum penalty
5 prescribed herein shall be imposed upon an offender who repeats the same offense for the
6 third time or oftener. In all cases, the court shall further order the eviction of the offender
7 from the land and the forfeiture to the government of all improvements made and all
8 vehicles, domestic animals and equipment of any kind used in the commission of the
9 offense. If not suitable for use by the Department, said vehicles, domestic animals and
10 equipment and improvements shall be sold at public auction, the proceeds from which
11 shall accrue to the Sustainable Forestry Development Fund. In case the offender is a
12 government officer or employee, he shall, in addition to the above penalties, be deemed
13 automatically dismissed from office and permanently disqualified from holding any
14 elective or appointive position in the government service.

15 If the offender is an alien, he shall be deported after service of sentence and
16 payment of fines without any further proceedings.

17

18 **SEC. 67. *Illegal Acts on Wildlife.*** - It shall be unlawful for any person to collect,
19 catch possess, hunt, wound, kill, capture, or destroy the nest or eggs, host plants, trade,
20 display or keep in petshops, flowershops, orchidariums, nurseries, and the like, threatened
21 wildlife, its by-products or derivatives or destroy the habitats of wildlife, including those
22 designated as critical habitats.

23 Any person violating this provisions shall be punished by imprisonment of six (6)
24 years and one (1) day to twelve (12) years and a fine of One Million Pesos
25 (P1,000,000.00) for species listed under Cites I ; Seven hundred fifty thousand pesos

1 (P750,000.00) for species listed under CITES II; and Five hundred thousand pesos
2 (P500,000.00) for threatened species.

3 A criminal action for violation of this provision shall not bar the institution of a
4 civil action for damages which may proceed independently.

5 All wildlife and its derivatives or by-products, and all paraphernalia., tools and
6 conveyances used in connection with violations of this provision shall be seized and
7 confiscated in favor of the government.

8 In case the offender is a government officer or employee, he/she shall, in addition
9 to the above penalties, be deemed automatically dismissed form office and permanently
10 disqualified from holding any elective or appointive position in the government service.
11 If the offender is an alien, he/she shall be deported after service of and payment of fines
12 without any further proceedings.

13

14 **SEC. 68. *Misdeclaration, falsification of Forest Resource Inventory, Scaling,***
15 ***Surveys and Reports by Government Official or Employee.*** – Any public officer or
16 employee who knowingly misdeclares or falsifies forest resource inventory, scaling,
17 surveys and other similar reports which are contrary to the criteria and standards
18 established in this Act or the rules and regulations promulgated hereunder shall, after an
19 appropriate administrative proceedings, be dismissed from the service and permanently
20 disqualified from employment in any agency of the government. Upon conviction by a
21 court of competent jurisdiction, the same public officer or employee shall further suffer
22 an imprisonment of not less than eight (8) years nor more than twelve (12) years and a
23 fine of not less than Twenty thousand pesos (P20,000.00) nor more than One hundred
24 thousand pesos (100,000.00). Furthermore, the subject inventory, survey, classification or
25 report shall be null and void.

1 **SEC. 69. *Unlawful Operation of Processing Plants or Mills.*** Any person
2 operating a processing plant or mill without authority from the Secretary of his duly
3 authorized representative, shall be punished by a fine of not less than One hundred
4 thousand pesos (P100,000.00) and confiscation of the equipment and other paraphernalia
5 in favor of the government.

6
7 **SEC. 70. *Prohibition on Issuance of Tax Declaration of Forestlands.*** - Any
8 public officer or employee who shall issue a tax declaration for any purpose of forestland,
9 shall suffer imprisonment for a period of not less than four (4) years nor more than eight
10 (8) years and perpetual disqualification from holding an elective or appointive office;
11 *Provided,* That such tax declaration shall be considered null and void.

12
13 **SEC. 71. *Unlawful Possession of Implements and Devices Used by Forest***
14 ***Officers.*** - Unlawful possession of official implements and devices used by forest
15 officers, such as but not limited to marking hatchets, shall be penalized with
16 imprisonment of not less than four (4) years nor more than eight (8) years and a fine of
17 not less than Twenty thousand pesos (P20,000.00) nor more than One hundred thousand
18 pesos (P100,000.00). In addition, the said forest officer responsible for faithful
19 possession and use of such implement/device shall be dismissed from the service, with
20 prejudice to reinstatement and with perpetual disqualification from holding any elective
21 of appointive position.

22 **SEC. 72. *Unauthorized Introduction of Logging Tools and Equipment Inside***
23 ***Forestlands and National Parks.*** - It shall be unlawful for any person or entity to
24 possess, bring or introduce inside forestlands any chainsaw, logging tools or equipment
25 other than bolos and simple hand tools without prior authority from the Secretary of his
26 duly authorized representative. Any person found guilty of illegal possession of said

1 chainsaw, logging tools or equipment shall be liable to imprisonment of twelve (12) years
2 and one (4) day to fourteen (14) years and eight (8) months or fixed not less than Fifty
3 thousand pesos (P50,000.00) nor more than One hundred thousand pesos (P100,000.00)
4 or both, and confiscation of said logging tools and equipment.

5

6 **SEC. 73. *Non-payment and Non-Remittance of Forest Charges.*** – Any person
7 who fails to pay the amount due and payable to the government shall not be allowed to
8 transport, convey, sell or use the forest product and failure to pay within thirty, (30) days
9 upon assessment of forest charges, shall be a ground for the confiscation of the said forest
10 product in favor of the government, pursuant to Section 60 of this Act. Any person who
11 fails or refuses to remit to the proper authorities said forest charges collectible pursuant to
12 the provisions of this Act or the National Internal Revenue Code, as amended, or who
13 delays, obstructs or prevents the same, or who orders, causes or effects the transfer or
14 diversions of the funds for purposes other than those specified in this Act for each such
15 offense shall, upon conviction, be imprisoned for not less than six (6) years nor more
16 than ten (10) years and be fined from twenty thousand pesos (P20,000.00) to one hundred
17 thousand pesos (P100,000.00). If the offender is a government official or employee,
18 he/she shall, in addition, be dismissed from service, permanently disqualified from
19 employment or reinstatement and perpetually disqualified from holding any elective or
20 appointive office. If the offender is a corporation, partnership or association, the officers
21 and directors thereof shall be liable.

22

23 **SEC. 74. *Institution of Criminal Actions by Forest Officers.*** - A forest officer
24 shall arrest even without warrant any person who has committed or is about to commit, or
25 is committing in his presence any of the offenses defined in this chapter. He/she shall also
26 seize and confiscate, in favor of the government, the tools, equipment and conveyances

1 used in committing the offense, and the forest products cut, gathered, taken or possessed
2 by the offender in the process of committing the offense. The arresting forest officer shall
3 thereafter deliver within six (6) hours from time of arrest or seizure, the offender and the
4 confiscated forest products, conveyances, tools and equipment, or the documents
5 pertaining to the same, and file the proper complaint with the appropriate official
6 designated by law to conduct preliminary investigation and file information in court. If
7 the arrest and seizure are made in the forest far from authorities designated by law to
8 conduct preliminary investigations, the delivery to and filing of the complaint with the
9 latter shall be done within a reasonable time sufficient for ordinary travel from the place
10 of arrest to the place of delivery. The seized products materials, conveyances, tools and
11 equipment shall be disposed of in accordance with the regulations promulgated by the
12 Department. The Secretary may deputize any agency, barangay or barrio official or any
13 qualified person to protect the forest and exercise the powers or authority provided for in
14 the preceding paragraph. In the case of reports and complaints regarding the commission
15 of any of the offenses defined in this chapter not committed in the presence of any forest
16 officer or any of the deputized officers but reported to a forest officer assigned in the area
17 where the offense was allegedly committed and the latter shall promptly receive the
18 evidence supporting the report or complaint and if such evidence is found sufficient file
19 the necessary complaint with the appropriate official authorized by law to conduct a
20 preliminary investigation of criminal cases and file an information in court.

21

22 **SEC. 75. Liability of Confiscating Officers.**- Any public officer who fails to
23 produce the timber or forest products or any part thereof including tools, conveyances,
24 equipment, machine and devices in his custody pursuant to a seizure or confiscation made
25 thereon, or who shall appropriate, take, misappropriate, or permit any other person to take
26 such timber or forest products wholly or partially, shall suffer the penalty provided for in

1 Article 217 of the Revised Penal Code. In addition, the said public officer shall be
2 dismissed from service permanently disqualified from employment or reinstatement and
3 perpetually disqualified from holding any elective or appointive office.

4 5 **CHAPTER XIV**

6 **ADMINISTRATIVE PROVISIONS**

7 **SEC. 76. *Strengthening of the Forest Management Bureau and the Forest***
8 ***Management Sector.*** - In order to effectively implement the provisions of this Act, the
9 Forest Management Bureau (FMB) shall be strengthened and shall have the following
10 functions in addition to the functions enumerated under Executive Order No. 192: a)
11 Coordinate and supervise the formulation and implementation of forestry policies, plans
12 and programs; b) Lead in the monitoring and evaluation of these policies, plans and
13 programs and the like; and c) Review and evaluate all applications for license, permits,
14 joint-ventures, and management agreements for issuance and/or approval by the
15 Secretary of the Department. To ensure that the scientific practice of forestry in the
16 country is properly implemented, only registered foresters shall be appointed to the
17 positions of Director and Assistant Director of the Bureau and Regional Technical
18 Director of the Forestry Sector and all other forester positions, in accordance with
19 existing Civil Service rules and regulations.

20 The Forest Management Bureau (FMB) shall be organized into a line agency. The
21 Secretary, in consultation with the Civil Service Commission (CSC) and the Department
22 of Budget and Management (DBM), is hereby authorized to reorganize the Bureau and
23 the forestry sector at the field level and create additional positions as may be necessary
24 for community-based forest management, forest protection, and other programs mandated
25 under this Act, and to upgrade the salaries of foresters and other forest officers.

1 **SEC. 77. Authority of the Secretary on the Utilization of Forest Resources. -**

2 The utilization of forest resources from natural forests found in forestlands, alienable and
3 disposable lands not yet awarded to private individuals or entities, government-
4 established reservations, and all other forestlands including those under ancestral domain
5 claims and control or management of other government agencies, shall be prohibited
6 except through valid license, permit, or other agreement approved by the Secretary or
7 his/her duly authorized representative.

8
9 **SEC. 78. Administrative Authority of the Secretary of his Duly Authorized**
10 **Representative to Order Confiscation. -** In all cases of violations of this Act or other
11 forest laws, rules and regulations, the Secretary or his duly authorized representative may
12 order the confiscation of forest products illegally harvested, cut gathered, removed or
13 possessed or abandoned, and all conveyances used either by land, water or air as well as
14 the machinery, conveyance, equipment, implement and tools used in the commission of
15 the offense and to dispose of the same in accordance with pertinent laws, regulations or
16 policies on the matter.

17 If the confiscated forest products are in danger of deteriorating, the Secretary may
18 order that the same be sold at public auctions even before the termination of the judicial
19 proceedings, in which case the proceeds shall be turned over and entrusted to the court
20 pending the outcome of such proceedings.

21 No courts of the Philippines shall have jurisdiction to issue any writ of *replevin*,
22 restraining order, or preliminary mandatory injunction in any case involving or growing
23 out of any action by the Secretary or his duly authorized representative in the exercise of
24 the foregoing administrative authority.

1 **SEC. 79. *Administrative Authority of the Secretary to Impose Fines.*** - In all
2 cases of violations, forest officers of other government officials or employees duly
3 authorized by the Secretary, shall have free entry into areas covered by a contract,
4 agreement, license, lease or permit. Forest officers are authorized to inspect and open
5 closed vans suspected to contain illegally harvested, collected or transported forest
6 products, provided this is done in the presence of the shipper or consignee or two (2)
7 responsible public officials in the locality. Forest Officers are authorized to administer
8 oath, take acknowledgement in official matters connected with the functions of their
9 office, take testimony in official investigations conducted under the authority of this Act
10 and the implementing rules and regulations issued pursuant thereof.

11

12 **SEC. 80. *Visitorial Powers.*** - The Secretary or his duly authorized representative
13 shall, from time to time, investigate, inspect and examine records, and other documents
14 except bank records related to the operation of any person granted the privilege or with a
15 contract to utilize forest resources to determine compliance with the terms and conditions
16 stipulated in the grant, the contract, this Act and pertinent laws, rules and regulations.

17

18 **SEC. 81. *Other Incentives.*** - Twenty percent (20%) of the value of confiscated
19 materials shall be paid as incentives to informants including members of Multi-Sectoral
20 Forest may also be donated to LGUs and other government agencies for building
21 government infrastructure, in recognition of their participation in forest protection
22 activities. Additional incentives may be provided by the Department, in addition to those
23 provided under the Government Service Insurance System (GSIS) or Workmen's
24 Compensation Law. They shall also be entitled to free legal assistance should legal cases
25 be filed against them in the performance of official duties.

26

1 **SEC. 82. *Protection for Witnesses to Violation/s of Forestry Laws.*** - Witnesses
2 to violations of this Act or other forestry laws and regulations, including the immediate
3 family members of said witnesses, shall be given protection, security and benefits,
4 subject to the provisions of Republic Act No. 6981, otherwise known as the “Witness
5 Protection, Security and Benefit Act” and its implementing rules and regulations.

6
7 **SEC. 83. *Implementing Rules and Regulations.*** - The Secretary, within one (1)
8 year from effectivity of this Act, shall promulgate the rules and regulations necessary to
9 effectively implement the provisions of this Act.

10
11 **SEC. 84. *Separability Clause.*** - Should any provision herein be declared
12 unconstitutional, the same shall not effect the validity or the legality of the other
13 provisions.

14
15 **SEC. 85. *Repealing Clause.*** - Subsections (b), (d), (f), (g), and (i) of Section 4 of
16 Act No. 3915; Republic Act No. 460; Presidential Decree Nos. 705, 1153, 1515, 1559,
17 1775 and 1998; Letter of Instruction No. 818; Executive Order No. 277, and 278, series
18 of 1987, and Executive Order NO. 725, series of 1981, are hereby repealed, and all laws,
19 orders, rules and regulations or any part hereof which are inconsistent herewith are
20 repealed or amended accordingly.

21 **SEC. 86. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
22 publication in the Official Gazette or in at least two (2) national newspapers of general
23 circulation.

Approved,