

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

SENATE
OFFICE OF THE SECRETARY

10 JUL -7 A9:25

SENATE

Senate Bill No. 540

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

This legislative measure seeks to amend Section 80 of Presidential Decree No. 705, otherwise known as the "Revised Forestry Code of the Philippines", as amended by Presidential Decree No. 1775.

It aims to mobilize barangay officials to help the Department of Environment and Natural Resources and the Philippine National Police personnel in protecting our forests.

Under this bill, aside from the forest officer or employee of the Forest Management Bureau of the Department of Environment and Natural Resources or any officer of the Philippine National Police, any barangay official is now given the authority to arrest, even without warrant, and file complaints with the appropriate official authorized by law to conduct a preliminary investigation of criminal case, any person who has committed or is committing in his presence, or attempting to commit an offense against the forestry law, subject to Section 5, Rule 113, of the Rules of Criminal Procedure.

The immediate approval of this bill is earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator


FIFTEENTH CONGRESS OF THE REPUBLIC)
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AN ACT
AMENDING SECTION 80 OF PRESIDENTIAL DECREE 705, OTHERWISE
KNOWN AS THE REVISED FORESTRY CODE OF THE PHILIPPINES, AS
AMENDED BY PRESIDENTIAL DECREE 1775

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

SECTION 1. Section 80 of Presidential Decree No. 705, as amended by Presidential Decree No. 1775, is hereby amended to read as follows:

"Sec. 80. Arrest: institution of criminal actions. – A forest officer or employee of the Bureau, [or any] AN OFFICER OF THE PHILIPPINE NATIONAL POLICE OR ANY BARANGAY OFFICIAL [personnel of the Philippine Constabulary / Integrated National Police] shall arrest even without warrant any person who has committed or is committing or attempting to commit in his presence any of the offenses defined in this Chapter, SUBJECT TO SECTION 5, RULE 113, OF THE RULES OF CRIMINAL PROCEEDURE. He shall also seize and confiscate, in favor of the Government, the tools and equipment used in committing the offense. The arresting forest officer or employee, OFFICER OF THE PHILIPPINE NATIONAL POLICE OR ANY BARANGAY OFFICIAL, shall thereafter deliver within six (6) hours from the time of arrest and seizure, the offender and the confiscated forest products, tools and equipment and file the proper complaint with, the appropriate official designated by law to conduct preliminary investigation and file information in Court.

If the arrest and seizure are made in the forest, far from the authorities designated by law to conduct investigations, the delivery to and filing of the complaint with the latter shall be done within a reasonable time sufficient for ordinary travel from the place of arrest to the place of delivery. The seized products, materials and equipment shall be immediately disposed of in accordance with forestry administrative orders promulgated by the Department Head.

The Department Head may deputize any OFFICER OR EMPLOYEE OF ANY agency OF THE GOVERNMENT, [agency, barangay or barrio official,] or any qualified person to protect the forest and exercise the power or authority provided in the preceding paragraphS.

Reports and complaints regarding the commission of any offenses defined in this Chapter, not committed in the presence of any forest officer or employee, AN OFFICER OF THE PHILIPPINE NATIONAL POLICE OR ANY BARANGAY OFFICIAL OR DEPUTIZED OFFICER OR EMPLOYEE OF ANY AGENCY OF THE GOVERNMENT [or any personnel of the Philippine Constabulary / Integrated National Police of any of the deputized officers or officials] shall immediately be investigated by the forest officer assigned in the area [or any personnel of the Philippine Constabulary / Integrated National Police] where the offense was allegedly committed, OR BY ANY QUALIFIED PERSON AUTHORIZED TO PROTECT THE FOREST OR EXERCISE THE POWERS UNDER THIS SECTION who shall thereupon receive the evidence supporting the report or complaint.

If there is a prima facie evidence to support the complaint or report, the investigating forest officer [and/or members of the Philippine Constabulary / Integrated National Police] OR BY ANY QUALIFIED PERSON AUTHORIZED TO PROTECT THE FOREST OR EXERCISE THE POWERS UNDER THIS SECTION shall file the necessary complaint with the appropriate official authorized by law to conduct a preliminary investigation of criminal case and file an information in Court.”

SEC 2. *Rules and Regulations.* – The Department of Environment and Natural Resources and the Department of Interior and Local Government shall jointly issue the rules and regulations of this Act within thirty (30) days after its effectivity.

SEC 3. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SEC 4. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not affected hereby shall remain valid and subsisting.

SEC 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation

Approved,