

SENATE

Senate Bill No. 450



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The current industry comprises a substantial sector of Philippine agriculture. It is a major source of our export earnings with an average receipt of at least \$800 million a year from the export of thirty (30) traditional and non-traditional coconut products and by-products. Popularly known as "tree of life", about twenty (20) million Filipinos or almost one-third (1/3) of the population depends on the industry for their livelihood.

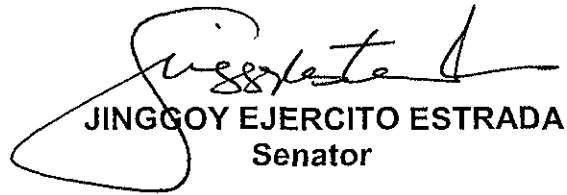
The Philippines is said to be the largest producer of coconut oil in the world accounting 60 to 80 percent of the total supply in the world market. However, statistics show that there is a continuing decline in coconut production. Decrease in production is attributed partly to the senility of trees, poor soil nutrition and improper farming practices, rampant cutting of coconut trees for timber, the low price of copra and land conversion to avoid land reform, as well as due to typhoons and droughts.

On June 7, 1985, R.A. 8048 entitled "An Act Providing for the Regulation of the Cutting of Coconut Trees, Its Replenishment, Providing Penalties therefore And for other Purposes" was enacted. The law provides for the regulation of cutting of coconut trees to prevent ecological imbalance and severe economic dislocation of coconut farmers. It empowers the Philippine Coconut Authority (PCA) to issue permits to cut coconut trees; to collect twenty-five peso application fee; and require coconut farmers to plant coconut equivalent to the number of trees to be cut. Despite the enactment of R.A. 8048, the problems plaguing the coconut industry are not fully resolved.

This bill therefore, seeks to improve the condition of the coconut industry, principally by authorizing a private non-governmental organization, the Philippine Coconut Producers Federation (COCOFED), to represent coconut producers and farmers. Since it has expertise in determining proper agricultural methods in coconut growing, harvesting and other coconut production. It can render invaluable assistance to design policies providing incentives for the growth of coconut industry. This proposed measure mandates PCA and COCOFED to evaluate and approve applications to cut coconut trees to avoid indiscriminate cutting. The bill also seeks to exempt coconut farmer-applicants from paying twenty-five (25) peso application fees to assist them, especially during times of economic difficulties when every centavo counts for them.

This measure requires applicants to plant two coconut trees for every tree to be cut to prevent the extinction of coconut trees. However, buyers of coconut lumber shall give farmers five (5) seed nuts for every tree to be cut. This is intended to enhance the consciousness of the community on the importance of tree planting.

For the foregoing reasons, passage of this bill is earnestly sought.

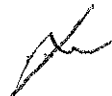


JINGCOY EJERCITO ESTRADA
Senator

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Senate Bill No. 450

PROPOSED



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8048 ENTITLED,
"AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF
COCONUT TREES, ITS REPLENISHMENT PROVIDING PENALTIES
THEREFOR AND FOR OTHER PURPOSES"

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

SECTION 1. Section 3 of Republic Act No. 84908 is hereby amended to read as follows:

SEC 3. For purpose of this Act, the following terms shall be defined as follows:

- (a) Coconut tree refers to a tall pinnate-leaved palm bearing a large edible fruit called the coconut.
- (b) Replanting program refers to the program formulated by the Philippine Coconut Authority
- (c) Permit refers to the written authorization of the PCA and COCOFED allowing the cutting of coconut trees.
- (d) Economically unproductive farm refers to a coconut area where the cost of farm production and maintenance is greater than the generated proceeds or income for a period of at least three (3) years.
- (e) Senescent coconut trees are coconut trees which are overage, weak and no longer productive.
- (f) COCOFED REFERS TO PHILIPPINE COCONUT PRODUCERS FEDERATION, A PRIVATE NON-GOVERNMENTAL ORGANIZATION REPRESENTING COCONUT PRODUCERS AND FARMERS.

SEC. 2. Section 5 of the same Act is hereby amended to read as follows:

"SEC 5. Permit to Cut. No coconut tree or trees shall be cut unless a permit therefore, upon due application being made, has been issued by the PCA pursuant to Section of this Act.

The applicant shall pay an application fee in the amount of twenty-five pesos (P25.00) for every tree intended to be cut payable to the PCA. **HOWEVER, FARMER-APPLICANTS ARE HEREBY EXEMPTED FROM PAYING SAID FEE.** Ten (P10.00) of the fee shall accrue in favor of the PCA, Ten pesos (P10.00) in favor of the municipal government covered, and Five (5.00) in favor of the barangay unit covered. The fees shall be used for the PCA's replanting program and for the repair and rehabilitation of roads of the respective local government units which have been damaged by the continuous passage of heavy vehicles used for transporting coconut lumber.

No permit to cut shall be granted unless the applicant, in coordination with the PCA, COCOFED and local government units concerned, has already planted the equivalent number of coconut trees applied for to be cut. **HOWEVER, COCONUT FARMER-APPLICANTS SHALL BE REQUIRED TO PLANT TWO (2) COCONUT SEEDLINGS FOR ONE THREE INTENDED TO BE CUT.**

THE BUYERS OF COCONUT LUMBER SHALL BE REQUIRED TO PROVIDE COCONUT FARMERS FIVE (5) SEEDNUTS FOR EVERY COCONUT TREE TO BE CUT.

Such replantings, however, shall not apply to areas converted into industrial, commercial or residential sites or land transformed in accordance with law, into other agricultural purposes.

The PCA, in coordination with the COCOFED AND local government unit concerned, shall regulate and oversee the planting, fertilization and care of the newly planted coconut trees, for this purpose, it shall be incumbent upon the PCA to conduct from time to time, on-the-spot inspections of the sites where the coconut trees have been planted.

SEC. 3. Section 6 of the same Act is hereby amended to read as follows:

"SEC 6. Authority to Cut. The Philippine Coconut Authority [shall have the exclusive authority to grant permit for the cutting of coconut trees} AND COCOFED SHALL, UPON PROPER EVALUATION OF ALL APPLICATIONS TO CUT COCONUT TREES, ISSUE A PERMIT THEREOF. This authority may be delegated to the city or municipal mayors as the PCA determine, PROVIDED, THAT THE CITY OR MUNICIPAL MAYORS SHALL COORDINATE WITH COCOFED IN EVALUATING ANY APPLICATION BEFORE ITS APPROVAL.

SEC. 4. Section 7 of the same Act is hereby amended to read as follows:

"SEC 7. Implementing Rules. The Philippine Coconut Authority shall be the lead agency to implement the provisions of this Act. For this purpose, the Philippine Coconut Authority shall [prescribe.], COORDINATE AND CONSULT WITH THE COCOFED IN PRESCRIBING THE necessary rules and regulations for the immediate and effective implementation of this Act.

The PCA, in order to effectively implement the provisions of this Act, may request the assistance of the COCOFED AND any local government unit, to monitor and ensure compliance with this Act including its implementing rules and regulations. For this purpose, the PCA may deputize the Philippine National Police or other law

enforcement agencies to investigate and apprehend those caught violating the provisions of this Act, including the confiscation of illegally cut coconut trees.

In addition to the foregoing, the PCA shall also, in coordination with COCOFED AND local government unit concerned, require the registration of all sawmills, lumberyards, coconut wood dealers and other persons of entities dealing in the processing, sawing of coconut trees.

SEC. 5. *Repealing Clause.* All existing laws, executive orders, presidential decrees, rules and regulations, or any parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. *Effectivity.* This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,