

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 436

Introduced by
HON. LEOVIGILDO B. BANAAG (1st District, Agusan del Norte)

EXPLANATORY NOTE

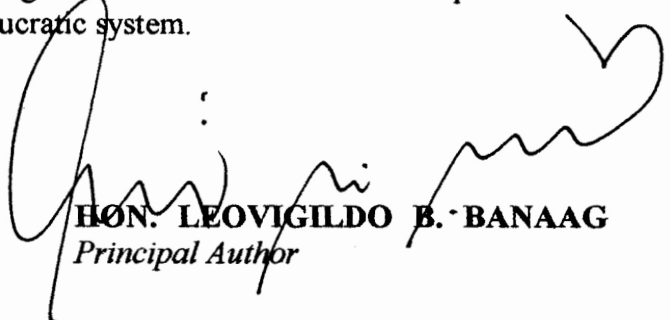
This is a refiled Bill from **H.B.12658** during the Eleventh Congress and **H.B. 1784** during the Twelfth Congress.

This Bill was approved on **Third Reading by the House of Representatives** (11th Congress) on **February 5, 2001**, was transmitted to the Senate for concurrence, and was referred to the Senate Committees on Environment and Natural Resources on **February 8, 2001**.

Due to time constraints and other priorities of the Senate, this Bill could not be acted upon.

This Bill was again refiled on July 31, 2001, for the Twelfth Congress, but again, due to lack of time, was not enacted into law.

It is the earnest hope that the expeditious passage of this measure will further protect our natural resources, and flush out anomalies in our bureaucratic system.



HON. LEOVIGILDO B. BANAAG
Principal Author

Republic of the Philippines
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THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 136

Introduced by **HON. LEOVIGILDO B. BANAAG**
1st District, Agusan del Norte

**AN ACT PROVIDING FOR A SYSTEM OF DISPOSITION OF SEIZED/
CONFISCATED ILLEGALLY CUT, GATHERED, REMOVED, AND
POSSESSED LOGS, LUMBER, FLITCHES, AND OTHER FOREST
PRODUCTS AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Declaration of Policy.** – It is the policy of the State to
2 make sound decisions with respect to the utilization and conservation of
3 natural resources to prevent environmental degradation and sustain for this
4 and succeeding generations the natural wealth of the nation and to ensure that
5 the country's natural resources are harnessed to their full potential.

6 **SEC. 2. Coverage.** – This Act shall apply to all seized/confiscated
7 illegally cut, gathered, removed, and possessed logs, lumber, flitches, and
8 other forest products not subject of a pending litigation in court; or those
9 whose claimants or offenders against whom a case could not be filed; or those
10 found abandoned within forest areas or elsewhere.

11 **SEC. 3. Prohibition of Auctioning Seized/Confiscated illegally Cut,**
12 **Gathered, Removed, or Possessed Logs, Lumber, Flitches, and other Forest**

1 *Products.-* The public auction by the Department of Environment and Natural
2 Resources (DENR) through the Natural Resources Development Corporation (NRDC)
3 of seized/confiscated illegally cut, gathered, removed, or possessed logs, lumber,
4 flitches, and other forest products is hereby prohibited.

5 **SEC. 4. *Disposition and Use of Confiscated Forest Products.-*** The DENR
6 shall dispose and apportion the seized/confiscated, illegally cut, gathered, removed,
7 and possessed logs, lumber, flitches and other forest products in the following
8 manner:

9 (a) Fifty percent (50%) of the total volume shall accrue, share and share alike,
10 to the province, municipality, or component city having jurisdiction over
11 the area of origin of such products: *Provided, however,* That the whole
12 fifty percent (50%) shall accrue to the independent city having jurisdiction
13 over the area of origin;

14 (b) Twenty-five percent (25%) of the total volume shall accrue to the
15 municipality or city where the forest products were seized/confiscated;

16 (c) Twenty-five percent (25%) of the total volume shall be donated to
17 neighboring provinces, cities, or municipalities within the Region which
18 have no such resource.

19 Said forest products shall be exclusively used by the recipient local
20 government unit (LGU) in the following order of priority:

21 (1) for the use of state colleges and universities;

22 (2) for the use of other public schools;

23 (3) for socialized housing;

1 (4) for the construction and rehabilitation of provincial/city and municipal
2 bridges; and

3 (5) for other infrastructure projects.

4 **SEC. 5. *Effect of Violation.***- (a) Any public auction of these confiscated
5 products made in violation hereof shall be null and void and all acts made pursuant
6 thereto or any right or benefit derived or arising therefrom shall be without any force
7 and effect;

8 (b) Any person violating this Act shall, upon conviction, be punished by a
9 fine of not less than Ten thousand pesos (P10,000.00) nor more than One hundred
10 thousand pesos (P100,000.00) or imprisonment from six months and one day to six
11 years or both such fine and imprisonment at the discretion of the Court;

12 (c) If the act or omission penalized by this Act be committed by an
13 association, partnership, corporation, or any other institution, its managing directors,
14 partners, president, general manager, or other persons responsible for the commission
15 of said act shall be liable for the penalties provided for in this Act;

16 (d) If the offender is a public officer or employee, he shall additionally be
17 dismissed from the service with prejudice to reinstatement and shall be disqualified
18 from holding any elective or appointive office.

19 **SEC. 6. *Implementing Rules and Regulations.***- The DENR Secretary shall
20 promulgate the necessary implementing rules and regulations and shall mobilize all
21 available resources to assure the effective implementation of this Act.

22 **SEC. 7. *Separability Clause.***- If, for any reason or reasons, any part or
23 provision of this Act shall be held to be unconstitutional or invalid, the other parts or

1 provisions hereof which are not affected thereby shall continue to be in full force and
2 effect.

3 **SEC. 8. *Repealing Clause.***- All laws, decrees, letters of instruction, executive
4 orders, rules and regulations, and other issuances or parts thereof in conflict or
5 inconsistent with this Act are hereby repealed or modified accordingly.

6 **SEC. 9. *Effectivity.***- This Act shall take effect upon its approval.

7 Approved,