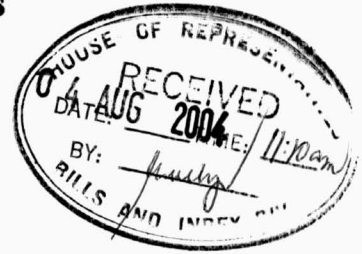


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 2111



Introduced by Rep. **EDUARDO K. VELOSO**

EXPLANATORY NOTE

This bill seeks to update Republic Act 6239, otherwise known as the Forestry Profession Law, which was created 28 years ago. This law includes items that have outgrown their relevance to government and the 7,000 professional Filipino Foresters in the country today. Hence, there is a need for a new regulatory mechanism that will ensure the development of forestry professionals who can appreciate the importance of their role in ensuring sustainability in the management of our forest resources.

Forestry is a dynamic profession. Changes in the environment and natural resources situation affect the practice of the forestry profession. When the law regulating the forestry profession in the country was enacted in the '70s, issues such as sustainable forest management and community-based forest or resource management (CBFM/BRMO), integrated protected areas system (IPAS), and cultural ancestral lands or domains claim (CALC/CADC) were unheard of. Today, these legal and ecological concepts dictate how resource management in the country will be pursued and implemented. Today's forestry graduates who intend to practice the art and craft of the forestry profession must show proof of their capability and preparedness by way of meeting the requirements provided for in an updated law that would allow only the deserving ones to practice the profession.

Among the revisions to RA No. 6239 contained in this bill are the following:

- Inclusion of other activities in defining the practice of forestry;
- Increasing the number of members of the Forestry Profession Board from three (3) to five (5); setting their corresponding terms of office to a maximum of five (5) years without re-appointment; and providing for automatic chairmanship to the most senior member of the board;
- Deletion of the provision requiring an area specialist in every area coverage of the Board Examination;
- Removal of the provision allowing registration of forestry professionals without examination;

- Expansion and identification of specific areas or topics to be covered in the board examination;
- Requiring that only Bachelor of Science in Forestry (BSF) graduates are qualified to take the forestry licensure examination;
- Imposing requirements in the re-examination of applicants;
- Clearly stating the grounds for suspension or revocation of professional license and/or Certificate of Registration; and
- Providing a condition before allowing foreign professional foresters to practice forestry in the Philippines.

The approval of the proposed revisions is urgent and highly desirable in order to enable the professional Filipino foresters to effectively address the various demands of their clientele and accordingly react to social and political issues and critical environmental concerns besetting the country today. The Filipino foresters role in sustainable development will enhanced and the mechanism for the growth of the profession will be institutionalized in this proposed Act.

Approval of the bill is therefore, earnestly requested.



Rep. EDUARDO K. VELOSO
Third District of Leyte

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Introduced by **Rep. EDUARDO K. VELOSO**

AN ACT
REGULATING THE FORESTRY PROFESSION,
REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 6239,
OTHERWISE KNOWN AS THE FORESTRY PROFESSION LAW,
AND FOR OTHER PURPOSES

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

ARTICLE I
TITLE, STATEMENT OF POLICY, OBJECTIVES

SECTION 1. Title. - This Act shall be known as the "Forestry Profession Act of 2004."

SEC. 2. Statement of Policy. - The State recognizes the important role of Forestry Professionals or Professional Foresters in nation-building. Towards this end, the State shall promote the sustained development of forestry professionals, whose competence have been determined by honest and credible licensing examinations and whose standards of professional service and practice are internationally recognized and considered world-class, brought about by regulatory measures and human resource programs and activities that foster their professional growth and advancement.

SEC. 3. Objectives. - This Act provides for and shall govern:

- (a) The examination for registration and licensing of Professional Foresters;
- (b) The supervision, control, and regulation of the professional practice of forestry in the Philippines; and
- (c) The upgrading of the competence and competitiveness of professional foresters, the promotion of ethical conduct, and the development of pride in the practice of forestry as

1 well as the standardization of various forestry practices, including education, research,
2 management, and the use of information technology and communications.

3
4 **ARTICLE II**
5 **DEFINITION OF TERMS**
6 **AND SCOPE OF THE PRACTICE OF FORESTRY**

7 **SEC. 4. *Definition of Terms.*** - For purposes of this Act, the following terms shall
8 mean:

9 (a) "Accredited professional organization" refers to the legally-established and
10 nationally-dominant active association or society of a particular professional group recognized
11 and recommended by the professional regulatory board concerned, and accredited by the
12 Commission;

13 (b) "Board" refers to the Professional Regulatory Board of Forestry;

14 (c) "Professional Forester" refers to any natural person who is a *bona fide* holder
15 of a valid certificate of registration/professional license and professional identification card
16 issued by the professional regulatory board for forestry and by the professional regulation
17 commission in accordance with this act and who is legally qualified to practice the profession
18 of forestry in the Philippines pursuant to this act;

19 (d) "Forestry" refers to the art, science, practice, and business of sustainably
20 managing forest and forestland resources for the production of goods and services and the
21 enhancement of benefits and values of such resources to provide the needs of the present and
22 future generations; and

23 (e) "Forestry practice" refers to activities, acts, services, or pursuits, exclusively
24 performed by professional foresters, the scope of which is specified under this Act.

25 **SEC. 5. *Scope of the Practice of Forestry.*** - The practice of forestry embraces but is
26 not limited to:

27 (a) the different aspects of actual and/or supervisory activities or services, such as,
28 the parametric classification of lands of the public domain and subclassification and capability
29 determination of forestlands; inventory of forest or timber and other forest products;
30 reconnaissance and survey of road locations and quarry sites; planning and implementing of
31 harvesting operations and timber improvement; scaling and grading of, and manifesting taxes
32 on, logs and derivative wood products as well as other forest products; preparation of designs,

1 plans and specifications of forest products processing plants; treatment of wood and other
2 forest products; inspection and investigation of harvesting and processing plants; preparing,
3 certifying and/or authenticating log, sawmill, operator and other mills reports; planning and
4 implementation of forest nursery, afforestation, reforestation, industrial or community-based
5 tree plantation, tree farm and agro-forestry farm projects; planning and implementation of
6 forest parks, wilderness areas, coastal areas, and other protected areas systems development;
7 planning and implementation of forest protection systems, forest and soil resources
8 conservation measures; and conduct of environmental risk scoping and environmental impact
9 assessment;

10 (b) the preparation and conduct of feasibility studies pertaining to natural forest and
11 plantation forest management; watershed management; parks and protected areas systems
12 management; range or grazing land management; wildlife and/or biodiversity systems
13 management; wood technology and timber engineering; wood products manufacturing and
14 marketing management; and technical or management consultancy;

15 (c) government agency and institutional activities or services wherein the principal
16 policy and strategy is forestry and the employment of professional forestry practice is essential,
17 such as, the undertaking, supervision or administration of studies, programs, stations, centers,
18 community/ provincial/regional offices; and such other activities or services, that, by law, shall
19 be inherently exercised by professional foresters;

20 (d) the conduct of forest experiments, research and development; training and
21 extension concerning forestry; and the teaching of forestry subjects for licensure
22 examinations; and

23 (e) forestry activities and services required by local government units, private
24 corporations, foundations, non-government organization, and foreign-assisted projects.

25 26 ARTICLE III

27 THE PROFESSIONAL REGULATORY BOARD OF FORESTRY

28 **SEC. 6. *Composition of the Board.*** - There is hereby created a three-member body to
29 be known as the Professional Regulatory Board of Forestry, hereinafter referred to as the
30 Board, that shall be under the general administrative supervision and control of the
31 Professional Regulation Commission, hereinafter referred to as the Commission. The Board
32 shall be composed of a Chairperson and two (2) members.

1 The members of the Board shall be appointed by the President of the Philippines upon
2 the recommendation of the Commission from among five (5) qualified professional forester-
3 nominees endorsed by the accredited professional organization concerned for a term of three
4 (3) years from the date of appointment or until their successors shall have been appointed and
5 qualified.

6 They may, however be re-appointed for a second term but in no case shall a member
7 of the Board serve continuously for more than six (6) years. A member of the Board shall
8 qualify by taking an oath of office before entering upon the performance of one's duties.

9 **SEC. 7. *Qualifications of a Member of the Board.*** - A member of the Board shall, at
10 the time of appointment, possess the following qualifications:

11 (a) Must be a natural-born citizen of, and residing in, the Philippines;

12 (b) Must have engaged in the active professional practice of forestry as a registered
13 and licensed forester for at least ten (10) years as certified to by the
14 accredited professional organization concerned in which he/she is a member in good standing;

15 (c) Must have a field of forestry specialization recognizably distinguishable from
16 the other members who also must differ with one another with respect to the field of forestry
17 specialization and must be a holder of a masteral or doctorate degree in forestry from a
18 reputable college or university duly recognized by the CHED and/or by a duly accredited
19 college or university abroad;

20 (d) Must not be a member of the faculty, whether full-time or part-time, of any
21 school, college or university where a regular and/or review course in forestry is taught, nor
22 shall have any pecuniary interest, directly or indirectly, in such institution, and

23 (e) Must never have been convicted of any of the offenses enumerated in Section 8
24 herein nor any of the offenses provided under the Revised Penal Code and other criminal laws
25 in the country.

26 **SEC. 8. *Powers, Functions and Responsibilities of the Board.*** - The Board shall be
27 vested with the following powers and functions:

28 (a) Regulate the practice of forestry as herein provided;

29 (b) Monitor the conditions affecting the practice of forestry and, whenever
30 necessary, adopt such measures as may be deemed proper for the enhancement or
31 advancement of the profession and/or the maintenance of high professional, ethical, and
32 technical standards and, for this purpose, the members of the Board, duly authorized by the

1 Commission, together with deputized employees of the Commission, may conduct ocular
2 inspections of forestry operations such as logging, forest management, tree plantation
3 development, and industrial wood processing or manufacturing as well as schools or colleges
4 of forestry, and in this case, in coordination with the CHED;

5 (c) Hear and investigate cases arising from violations of this Act, the rules and
6 regulations promulgated thereunder, and the Code of Ethics and, for this purpose, may issue
7 summons or *subpoena duces tecum* to alleged violators and/or witnesses to compel their
8 attendance in such investigations or hearings: *Provided, That* the decision of the Board, unless
9 appealed to the Commission, shall become final and executory fifteen (15) days from receipt
10 by the accused of the notice of judgment or decision;

11 (d) administer oaths in connection with the administration of this Act;

12 (f) prescribe and adopt a Code of Ethics and Code of Technical Standards of
13 Practice of Professional Forestry;

14 (g) adopt a program for the full computerization of the licensure examination;

15 (f) Delegate the hearing or investigation of administrative cases filed before it
16 except in cases where the issue or question involved strictly concerns the practice of the
17 forestry profession, in which case, the hearing shall be presided over by at least one (1)
18 member of the Board assisted by a legal or hearing officer of the Commission;

19 (g) Conduct, through the legal office of the Commission, summary proceedings for
20 minor violations of this Act, violations of the rules and regulations issued by the Board to
21 implement this Act including violations of the general instructions to examinees committed by
22 examinees, and render summary judgment thereon which shall, unless appealed to the
23 Commission, become final and executory fifteen (15) days from receipt by the accused of the
24 notice of judgment or decision;

25 (h) After due process, suspend, revoke, reissue or reinstate certificates of
26 registration or licenses for cause provided by law;

27 (i) Prepare, adopt, and issue syllabi or tables of specifications of the subjects for
28 examination in consultation with the academic community and accredited professional
29 organization concerned; determine and prepare the questions for the licensing examination
30 which shall strictly be within the scope of the syllabus or table of specifications of the subject
31 for examination; score and rate the examination papers with the name and signature of the
32 Board member concerned appearing thereon and submit the results in all subjects duly signed

1 by the members of the Board to the Commission within ten (10) days from the last day of
2 examination unless extended by the Commission for justifiable cause(s);

3 (j) Prepare an annual report of accomplishment on programs, projects and
4 activities of the Board during the year for submission to the Commission after the close of each
5 calendar year and make appropriate recommendations on issues or problems affecting the
6 profession to the Commission.

7 (k) Adopt an official seal of the Board to be used in authenticating and certifying its
8 official acts and documents;

9 (l) Administer and conduct the licensing examination of the Board jointly with the
10 Commission and in accordance with its rules and regulations;

11 (m) Prescribe the guidelines and institutionalize the apprenticeship and continuing
12 professional education (CPE) programs under the supervision of the Board/Commission in
13 order to sustain the development of a reservoir of professional foresters who are technically
14 competent, socially conscious, environmentally aware, and globally competitive;

15 (n) discharge such other powers and functions as the Board may deem necessary
16 for the practice of the profession and the upgrading, enhancement, development and growth of
17 the forestry profession in the Philippines.

18 **SEC. 9. *Compensation and Allowances of the Board.*** - The chairperson and
19 members of the Board shall receive compensation and allowances comparable to that being
20 received by the chairpersons and members of the existing regulatory boards under the
21 Commission as provided for in the General Appropriations Act.

22
23 **ARTICLE IV**
24 **EXAMINATION AND REGISTRATION**

25 **SEC. 11. *Examination Required.*** - All applicants for registration to the professional
26 practice of forestry shall be required to undergo and pass a written examination as provided
27 herein.

28 **SEC. 12. *Qualification of an Applicant for Examination.*** - Any person applying for
29 admission to the forestry licensing examination shall, prior to the date of the examination,
30 establish to the satisfaction of the Board/Commission, that he or she has the following
31 qualifications:

32 (a) Must be a citizen of the Philippines;

- 1 (b) Must be of good moral character;
- 2 (c) Must be at least a holder or graduate of Bachelor of Science in Forestry (BSF)
- 3 degree from an educational institution duly accredited and/or recognized by CHED; and
- 4 (d) Must be able to present a certification duly signed and notarized that he or she
- 5 has completed at least six (6) months of apprenticeship or practicum after finishing the BSF
- 6 degree, in any forestry activity or work from any agency, institution, or instrumentality of the
- 7 government, or an NGO or company duly registered with the Securities and Exchange
- 8 Commission (SEC) performing or undertaking forestry activities, functions and business.

9 **SEC. 13. Coverage of Examination.** - The examination shall cover the following

10 subjects:

- 11 (a) Forest Resources Management;
- 12 (b) Forest Policy and Governance;
- 13 (c) Forest Ecosystem Management; and
- 14 (d) Forest Engineering and Utilization.

15 Provided, That the Board may change the coverage of the examination as the need

16 arises, including the corresponding percentage ratings for each subject.

17 **SEC. 14. Rating.** - To pass the licensing examination for professional foresters, the

18 candidate must obtain an average of seventy five percent (75%) on all the subjects with no

19 rating below sixty percent (60%) in any of the subjects provided under Section 13 herein or as

20 may later be determined by the Board.

21 **SEC. 15. Place and Date of Examination.** - The forestry licensing examination shall

22 be held at least once a year in the cities of Manila, Cebu, or Davao. The date of examination

23 for the year shall be included in the schedule as prescribed yearly by the Commission.

24 **SEC. 16. Oath of Forester.** - All candidates who passed the licensing examination for

25 forestry shall take en masse the prescribed professional oath before the Board/Commission in

26 Manila, Cebu, or Davao the date of which shall be included in the schedule as prescribed by

27 the Commission.

28 **SEC. 17. Roster of Registered Professional Foresters.** - Jointly with the

29 Commission, the Board shall keep a record of all registered professional foresters prior to the

30 approval of this Act and shall annually update the same with the additional names of registered

31 foresters who shall, henceforth, have passed the licensing examination.

1 **SEC. 18. Issuance of Professional License.** - Upon the issuance of a Certificate of
2 Registration by the Board, the Commission shall issue a professional license in accordance with
3 existing laws, rules, and regulations.

4 **SEC. 19. Grounds for Suspension or Revocation of Certificate of Registration**
5 **and/or Professional License.** - The Commission, upon the recommendation of the Board,
6 shall suspend or revoke the certificate of registration and/or professional license for any of the
7 following grounds:

8 (a) conviction of a crime involving moral turpitude;
9 (b) unsound mind declared by competent court;
10 (c) graft and corrupt practices;
11 (d) fraud or deceit in obtaining a certificate or registration; and
12 (e) any violation of the Code of Ethics or Standard of Practices adopted by the
13 Board pursuant to this Act: *Provided, however, That* such action shall be subject to appeal
14 or remedies available under existing laws.

15 **SEC. 20. Use of Seal.** - All registered foresters shall obtain a seal of such design and
16 make as the Board shall authorize and direct: *Provided, That* the serial number of the
17 Certificate of Registration issued by the Board shall be included in the seal. Documents
18 prepared by or under the direct supervision of registered or professional foresters shall be
19 stamped with his or her seal, such as reports, certifications, contracts, studies, plans, survey
20 returns, technical descriptions, inventory data, maps, drawings, sketches, lay-outs, exhibits,
21 proposal or offer of services, tests and analysis, and other documents that may henceforth be
22 the subject of such acts upon the recommendation of the accredited professional organization
23 concerned and by the resolution by the Board. It shall be unlawful for any person to stamp or
24 seal any document with the said seal after the professional license is suspended or revoked.

25
26 **ARTICLE V**
27 **PRACTICE OF FORESTRY**

28 **SEC. 21. Practice not Allowed for Partnerships, Corporations, and Associations.** -
29 The practice of forestry is a professional activity or service, admission to which is based upon
30 an individual's personal qualification. No partnership, corporation, or association shall be
31 registered as such for the practice of forestry: *Provided, however, That* persons who are
32 registered with and licensed by BOF/PRC as professional foresters may, among themselves or

1 **SEC. 25. *Vested Rights: Automatic Registration of Practicing Professional***
2 ***Foresters.*** - All practicing professional foresters who are registered at the time this Act takes
3 effect, shall be automatically registered.

4 **SEC. 26. *Integration of Professional Foresters.*** - The forestry profession shall be
5 integrated into one (1) national organization which shall be recognized by the Board and by the
6 Commission as the only accredited professional organization of practicing professional
7 foresters. A professional forester duly registered with the Board/Commission shall
8 automatically become a member of the accredited professional organization of professional
9 foresters, and shall receive the rights, privileges and benefits appurtenant thereto upon payment
10 of the required fees and dues. Membership in the accredited professional organization shall not
11 be a bar to membership in other associations of professional foresters.

12 **SEC. 27. *Enforcement.*** - The Commission shall be the enforcement agency of the
13 Board. As such, the Commission shall implement the concerned provisions of this Act,
14 enforce its Implementing Rules and Regulations as adopted by the Board, conduct
15 investigations on complaints including violations of the Code of Ethics/Conduct of the
16 profession and prosecute violators when so warranted. If necessary, the Commission may seek
17 the assistance of other duly constituted authorities in the enforcement of the law.

18 **SEC. 28. *Foreign Reciprocity.*** - No foreign professional forester shall be issued a
19 certificate of registration or license to practice the forestry profession or consultancy thereof or
20 be entitled to any of the rights and privileges under this Act unless the country of which he is a
21 subject or citizen specifically permits Filipino professional foresters to practice within its
22 territorial limits on the same basis as the subjects or citizens of such foreign state or country.

23 **SEC. 29. *Transitory Provision.*** - The existing members of the Board of Foresters
24 shall continue to function in the interim until such time that the new members of the Board
25 shall have been constituted pursuant to this Act.

26 **SEC. 30. *Penal Provision.*** - Any person who shall practice the forestry profession in
27 the Philippines within the meaning of this Act without a certificate of registration and/or
28 professional license issued in accordance herewith, or any person presenting or using as his/her
29 own the certificate of registration or professional license of another, or any person giving any
30 false or forged evidence to the Commission in order to secure a professional license, or any
31 person assuming, using, or advertising as a registered professional forester without having been

1 conferred such title, or advertising any title description tending to convey the impression that
2 he or she is a registered professional forester, shall, upon conviction, be punished by
3 imprisonment of not less than six (6) months and one (1) day but not more than six (6) years,
4 or a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred
5 thousand Pesos (P100,000.00) or both such fine and imprisonment at the discretion of the
6 Court.

7 **SEC. 31. *Separability Clause.*** - If any clause, provision, paragraph or part hereof
8 shall be declared as unconstitutional or invalid, such judgment shall not affect, invalidate, or
9 impair any other part hereof.

10 **SEC. 32. *Repealing Clause.*** - All laws, decrees, executive orders and other
11 administrative issuances and parts thereof which are inconsistent with the provisions of this Act
12 are hereby modified or superseded. Republic Act No. 6239 is hereby repealed.

13 **SEC. 33. *Effectivity.*** - This Act shall take effect fifteen (15) days following its official
14 publication in the Official Gazette or in any two (2) major daily newspaper of general
15 circulation in the Philippines, whichever comes first.

16 Approved,