

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3497



Introduced by Representatives Leovigildo B. Banaag, Gilbert Cesar C. Remulla,
Juan Miguel F. Zubiri, Prospero C. Nograles, Roseller L. Barinaga, and
Douglas RA. Cagas

EXPLANATORY NOTE

This bill seeks to provide the necessary steps for Congress to comply with Section 4, Article XII of the Philippine Constitution which states that "The Congress shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law."

The said constitutional provision implies that the law itself should contain the technical description of the permanent forest limits generated from an actual ground survey. The technical description will then be validated by Congress prior to the enactment of a law specifically providing which area or areas and the technical descriptions thereof, verifiable on the ground, are the country's permanent forest limits.

The delineation of the permanent forest line is a prerequisite to the establishment of a long-term development plan for both agricultural and forest lands. Once the forestlands are delineated, it will be easier for the agencies of the government to identify and assist their constituencies. The Department of Agriculture, Agrarian Reform, Trade and Industry, etc. can prepare sectoral development plans and programs in the agricultural areas, properly indicating in their maps areas for agricultural estates, manufacturing, industry, and other productive activities.

Also areas outside the forestlands can then be released and/or distributed to actual occupants, landless farmers, and rural communities as agricultural lands for residential, farming, manufacturing, industrial, other productive purposes and for public purposes of government agencies and local government units. Henceforth, the local government units can collect more real estate taxes over areas outside the forestlands and can also invest with confidence on basic infrastructures for public service delivery therein.

Within the permanent forestlands, the Department of Environment and Natural Resources can proceed with the identification of production areas, i.e., areas for tree plantations, forest reservations, community forestry, and protection areas, those areas requiring rehabilitation and permanent conservation and possible inclusion to the national integrated protected areas of the country. One reason why the private sector is diffident in investing in forest related industries, including forest plantations, is the lack of a credible government map which identifies where such capital-intensive and long-gestating investments can be undertaken.

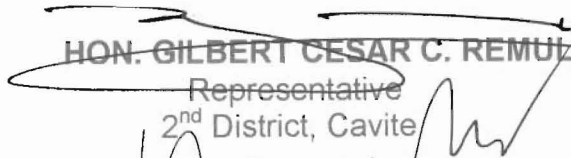
At present, government relies only on the land classification maps and Cadastral survey maps of the DENR in identifying the forestlands and agricultural lands. However, since not all of these areas are clearly identified on the ground by concrete monuments and other visible signs, majority of those who live within the forestlands are not even aware that they are violating a law that declares that clearing and farming in forestlands as criminal acts.

Indeed, considering the adverse consequences of the lack of public knowledge on the permanent forest limits on the environment, the delineation of the permanent forest limits as mandated by the Constitution is the most important investment for the sustainable development of the country's land and other natural resources.

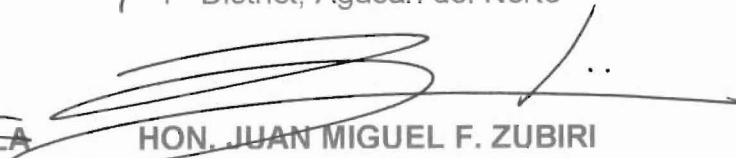
In view of the foregoing, passage of the bill is earnestly recommended.



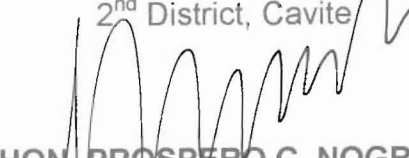
HON. LEOVIGILDO B. BANAAG
Representative
1st District, Agusan del Norte



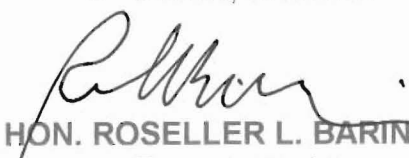
HON. GILBERT CESAR C. REMULLA
Representative
2nd District, Cavite



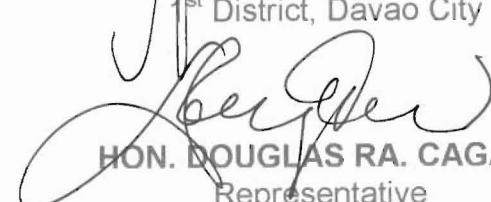
HON. JUAN MIGUEL F. ZUBIRI
Representative
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HON. PROSPERO C. NOGRALES
Representative
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HON. ROSELLER L. BARINAGA
Representative
2nd District, Zambo. Del Norte



HON. DOUGLAS RA. CAGAS
Representative
1st District, Davao del Sur

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HOUSE BILL NO. **3497**

Introduced by Representatives Leovigildo B. Banaag, Gilbert Cesar C. Remulla,
Juan Miguel F. Zubiri, Prospero C. Nograles, Roseller L. Barinaga, and
Douglas RA. Cagas

AN ACT
PROVIDING FOR THE DELINEATION OF THE SPECIFIC FOREST
LIMITS AND FOR OTHER PURPOSES

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

Section 1. Declaration of Policy.- It is hereby declared the policy of the
1 State to conserve, protect, and develop the forest resources of the country in
2 order to attain ecological balance, preserve valuable ecosystems, prevent
3 environmental degradation, and promote sustainable development for the present
4 and succeeding generations.
5

Section 2. Classification/Reclassification and Ground Delineation of
6
7 **Specific Forest Limits.-** Within two (2) years after the approval of this Act, the
8 Department of Environment and Natural Resources (DENR) shall undertake the
9 classification of the remaining unclassified lands of the public domain, and shall
10 conduct a ground delineation of all classified and/or reclassified forestlands which
11 shall constitute as the permanent forestlands. Thereafter, the DENR shall submit
12 to Congress the land classification maps based on appropriate and uniform scale,
13 indicated by province, with technical description of the boundaries properly
14 marked on the ground with concrete monuments.

1 An Act of Congress shall declare the areas covered by the technical
2 descriptions or boundaries of the classified and reclassified forestlands pursuant
3 to this Act as the country's permanent forest limits.

4 **Section 3. Principles and Guidelines for Ground Delineation.-** The
5 classification, reclassification, and actual ground survey of the specific forest
6 limits shall be undertaken using as interim basis existing official land classification
7 maps of the DENR as well as the 2003 forest cover data generated and
8 interpreted by the National Mapping and Resource Information Authority from
9 satellite imagery.

10 Well-established communities within forestlands duly recognized under
11 Republic Act No. 7160 or the Local Government Code of 1991 and Republic Act
12 No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997 shall be allowed
13 to continue occupying and using the specific areas they occupy and use, subject
14 to any agreement to ensure sustainable land use entered into by the DENR with
15 the Department of Interior and Local Government and the National Commission
16 on Indigenous Peoples (NCIP).

17 All records pertaining to the specific forest limits shall be made available to
18 the public upon request and all provincial, municipal, and city government units
19 shall be furnished copies of the maps of permanent forestlands located within
20 their respective territorial jurisdiction.

21 **Section 4. Permanency of the Specific Limits of Forestlands.-** After
22 the demarcation of the final forest line shall have been made, the forestlands so
23 determined shall not be diminished nor reduced except by law. The government
24 shall see to it that the forest cover and vegetation therein shall be protected,
25 preserved, and enhanced. For purposes of planning and biodiversity
26 conservation, the permanent forestlands shall be subclassified into protection
27 forests or production forests.

28 Protection forestlands shall be managed in accordance with the provisions
29 of Republic Act No. 7586 or the National Integrated Protected Areas System Act
30 of 1992 (NIPAS Act). Henceforth, no additional forest occupant shall be allowed
31 entry nor any type of permanent human settlement permitted in strict protection
32 zones of the protection forestlands. Infrastructure projects shall not be

1 constructed therein unless allowed by the DENR Secretary and after conducting
2 an environmental impact assessment as provided by law.

3 Production forestlands shall be developed for commercial purposes,
4 livelihood creation, job generation, and wealth creation. Portions of production
5 forestlands not less than two hundred fifty (250) hectares each which are below
6 eighteen percent (18%) slope with moderate topography suitable for agroforestry
7 shall be respected conformably with Section 3 hereof.

8 **Section 5. Boundaries to be Clearly Marked.-** The permanent
9 forestlands shall be bounded and their limits clearly marked on the ground by
10 boundary/concrete monuments at corners, visible cutlines, signboards, and
11 uniformly-spaced distinctive trees maintained at all times between the concrete
12 monuments.

13 **Section 6. Accountability for Conservation of Forest Resources.-** In
14 order to attain the objectives of this Act, a field monitoring, evaluation, and
15 reporting system shall be adopted by the DENR Secretary on the extent and
16 state of the natural forests, furnishing Congress a copy of the report every six (6)
17 months.

18 **Section 7. Penal Provisions.-** After the forest boundaries shall have
19 been permanently marked on the ground as the final forest line, any unlawful
20 entry, occupation and/or any form of exploitation and destruction of any forest
21 cover and vegetation inside the area shall be prohibited and prosecuted
22 according to law. Upon conviction, the violator shall be punished by
23 imprisonment of not less than six (6) years nor more than twelve (12) years and a
24 fine of not less than Twenty thousand pesos (P20,000.00) nor more than Fifty
25 thousand pesos (P50,000.00).

26 Any person or persons who shall tamper, attempt to tamper, or cause
27 another to tamper with the technical descriptions of the permanent forest limits
28 indicated in the maps, or move, remove, alter, transfer, or destroy the concrete
29 monuments or markers on the ground, upon conviction, shall be punished by
30 imprisonment of not less than six (6) years nor more than twelve (12) years or a
31 fine of not less than Five hundred thousand pesos (P500,000.00) nor more than
32 One million pesos (P1,000,000.00), or both, at the discretion of the Court.

1 In the case of partnerships, associations, or corporations found violating
2 the provisions of this Act, the president, managing partner, and general manager
3 shall be held liable, and if such officer is an alien, he shall, in addition to the
4 penalty, be deported, without further proceedings on the part of the Bureau of
5 Immigration and Deported: *Provided*, That if the offender is a public official or
6 employee, he or she shall suffer the additional penalty of removal from office and
7 forfeiture of all retirement benefits and shall be perpetually disqualified from
8 holding any elective or appointive public office.

9 **Section 8. *Citizen Suits.***- For purposes of enforcing the provisions of this
10 Act, any citizen may file an appropriate civil, criminal or administrative action in
11 the proper courts against any person who violates or fails to comply with the
12 provisions of this Act or its implementing rules and regulations, or the DENR or
13 other implementing agencies with respect to orders, rules and regulations issued
14 inconsistent with this Act; and/or any public officer who willfully or grossly
15 neglects the performance of an act specifically enjoined as a duty by this Act or
16 its implementing rules and regulations; or abuses his authority in the performance
17 of his duty; or in any manner, improperly performs his duties under this Act or its
18 implementing rules and regulations: *Provided, however*, That no suit can be filed
19 until after thirty (30) days notice has been given to the public officer and the
20 alleged violator concerned and no appropriate action has been taken thereon.

21 The Court shall exempt such action from the payment of filing fees and
22 shall, likewise, upon prima facie showing of the non-enforcement or violation
23 complained of, exempt the plaintiff from the filing of an injunction bond for the
24 issuance of a preliminary injunction.

25 In the event that the citizen should prevail, the Court shall award
26 reasonable attorney's fees, moral damages, and litigation costs as appropriate.

27 **Section 9. *Suits Against Public Participation and the Enforcement of***
28 ***this Act.***- Where a suit is brought against a person who filed an action as
29 provided in Section 8 herein, or against any person, institution or government
30 agency that implements this Act, it shall be the duty of the investigating
31 prosecutor or the Court, as the case may be, to immediately make a
32 determination not exceeding thirty (30) days whether said legal action has been
33 filed to harass, vex, exert undue pressure, or stifle such legal actions of the

1 person complaining for the enforcement of the provisions of this Act. Upon
2 determination thereof, evidence warranting the same, the Court shall dismiss the
3 case and award attorney's fees and double damages.

4 This provision shall also apply and benefit public officers who are sued for
5 acts committed in their official capacity, there being no grave abuse of authority,
6 and done in the course of enforcing this Act.

7 **Section 10. Appropriations.-** There is hereby appropriated the amount of
8 Two Billion Pesos for the implementation of this Act.

9 **Section 11. Implementing Rules and Regulations.-** Within three (3)
10 months from the effectivity of this Act, the DENR Secretary shall promulgate the
11 rules and regulations necessary to implement the provisions of this Act.

12 **Section 12. Congressional Oversight Committee on the Delineation**
13 **of Forest Limits.-** There is hereby created a Congressional Oversight
14 Committee composed of seven (7) members from the Senate Committee on
15 Environment and Natural Resources and seven (7) members from the House of
16 Representatives Committee on Natural Resources.

17 The oversight committee shall review the implementing rules and
18 regulations and oversee the implementation of this Act: *Provided*, That the
19 secretariat of the Oversight Committee shall be drawn from the existing
20 secretariat personnel of the committees comprising the oversight and the funding
21 shall be taken from the appropriations of both the House of Representatives and
22 the Senate.

23 **Section 12. Separability Clause.-** Should any provision of this Act or any
24 part thereof be declared unconstitutional or invalid by a Court, the other
25 provisions hereof which are not affected thereby shall remain in force and effect.

26 **Section 13. Repealing Clause.-** All laws, decrees, letters of instruction,
27 executive order, rules and regulations, and other issuance or parts thereof
28 inconsistent with this Act are hereby repealed or modified accordingly.

29 **Section 14. Effectivity.-** This Act shall take effect fifteen (15) days after
30 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

31 Approved: _____