

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3729



**INTRODUCED BY REPRESENTATIVES RAFAEL V. MARIANO,
CRISPIN B. BELTRAN, SATUR C. OCAMPO, LIZA LARGOZA-MAZA,
TEODORO A. CASIÑO and JOEL G. VIRADOR**

EXPLANATORY NOTE

The latest damage to life, property and infrastructure wrought on the country by typhoons “Winnie” and “Yoyong”, obviously unprecedented in recent memory, have once more exposed the part played by logging in the depletion and degradation of Philippine forests which, in turn, greatly led to the killer flashfloods and landslides.

Media accounts of the extent of damage in Aurora and Quezon provinces highly suggest that what caused the degradation of our forests and, as a consequence, flashfloods and landslides, is not only illegal logging but legal logging operations as well. The volume and number of felled timber that dammed waterways and caused death and destruction to life, property and infrastructure could not have come from illegal and “*carabao*” logging alone. In fact, media accounts give strong grounds to believe that the greater culprit could well be the legal operations of logging and timber companies which used their Timber License Agreements (TLAs), concessions and the like to circumvent existing laws and regulations on timber cutting and gathering. A case in point is the operation of Green Circle Properties and Resources Inc. which operates on some 78,000 hectares of timber licensing agreement on the pretext of being a “national flagship project”.

Occurring thirteen (13) years after the Ormoc tragedy in 1991 (which claimed over 6,000 lives), the latest tragedy in Aurora, Quezon, Nueva Ecija, Bicol and Samar strongly indicts the government for its half-hearted approach to the problem of forest protection, rehabilitation and preservation. The public consensus now holds that the tragedy in those provinces could have been avoided if only the government had been more circumspect and more forceful in protecting, rehabilitating and preserving our forests.

The situation presents a more alarming picture when viewed on a national scale. To quote a report of the 2001 Diagnostic Mission of the International Tropical Timber Council on the state of Philippine forests: “While the area of forest lands is quite extensive, the legacy of past forest loss and degradation is such that the area of actual forest is much less, covering just 5.4 million hectares or 18 % of the total national land area. The pressures on these residual forests are still extremely high with the per capita forest now being just 0.1 hectare per capita.” The report went on to state that such figure is very low when compared to Thailand, Indonesia and Malaysia,

especially if it is related to the 2.1 % population growth rate of the country. Given the country's track record of unsustainable exploitation of forest resources perpetrated mainly by unabated and largely uncontrolled logging operations, deforestation continues at a rate of 89,000 hectares per year or 1.4 % of the national forest area per year, quite extremely high and rapid for a country with only a land size of 30 million hectares. In stark contrast, reforestation efforts of the government could cover only some 20,000 hectares per year.

In 1991, it used to be said that "we could not afford another Ormoc". But then the tragedy happened again because government succumbed to the pressure of logging interests at the expense of the interest and safety of the people. These man-made tragedies serve as a lesson to the government: the time for forceful action has come and it is incumbent on the present generation to enact a total log ban in order to translate that forceful action into reality.

It may be objected that a total log ban will drive wood prices upwards since timber products will have to be sourced from imports. But this is a small price to pay for rehabilitating and preserving our forests and environment in order to prevent another Ormoc. There is wisdom in the layman's remark that to rehabilitate and preserve our forests, all this country has to do is to stop logging such as what this bill hereby proposes.

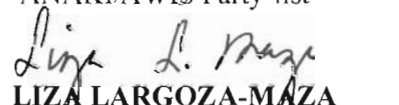
In the light of these circumstances, the urgent passage of this bill is earnestly sought.


RAFAEL V. MARIANO
ANAKPAWIS Party-list


SATUR OCAMPO
BAYAN MUNA Party-list


TEODORO A. CASIÑO
BAYAN MUNA Party-list


CRISPIN B. BELTRAN
ANAKPAWIS Party-list


LIZA LARGOZA-MAZA
GABRIELA Women's Party-list


JOEL G. VIRADOR
BAYAN MUNA Party-list

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**AN ACT
FOR CONSERVING AND REHABILITATING
THE FORESTS OF THE COUNTRY THROUGH THE POLICY OF TOTAL LOG BAN
FOR A PERIOD OF THIRTY YEARS, CREATING FOR THE PURPOSE A NATIONAL
FOREST WATCH AND PROTECTION TASK FORCE AND COMMUNITY-BASED
COUNCILS**

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

SECTION 1. Title. This Act shall be known as “The Forest Preservation and Rehabilitation Act of 2005”.

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature; to protect, conserve and develop the nation’s natural resources so as to prevent environmental degradation and disaster; and preserve the country’s valuable ecosystem.

In pursuance thereof, a policy of total log ban is hereby adopted by the State and the preservation, protection and exploitation of the forests of the country shall be governed by the following principles:

- a. Given the death toll and damage that flashfloods and landslides have inflicted in the past, any violation of this act is considered a grave offense that deserves the highest extent of punishment that can be meted under existing laws of the country;
- b. The preservation and protection of the forests of this country can be best attained through the highest involvement of local communities which are the primary stakeholders in the preservation, rehabilitation, and protection of our forests;

- c. The exploitation and use of the forests of the country involves social responsibility; and
- d. The exploitation and use of forest and wood resources must be based on sustainable and integrated forest preservation and development and automatic replenishment.

SECTION 3. Total Ban on Logging. It shall be unlawful for any natural or juridical person to cut, fell, gather or destroy any tree or engage in any logging operation, in primary and secondary types of forest and watersheds in the country, for a period of thirty (30) years from the effectivity of this Act. Likewise, it shall be unlawful for any person, natural or juridical, to contract to finance the cutting, harvesting, gathering, poaching, or transporting of logs in violation of the provisions of this Act.

SECTION 4. Automatic Cancellation of Existing Timber Licenses and Concessions. Upon the effectivity of this Act, all licenses, concessions, permits and the like issued by the government through the DENR and other concerned agencies to any person or corporation for the purpose of undertaking logging operations are deemed revoked and cancelled. All logging and timber companies, concessionaires and licensees whose permit, concession, and license are cancelled by virtue of this Act shall be given six (6) months to wind up their operations.

SECTION 5. Regulation of Privately-Owned Commercial Trees. Commercial trees planted and operated privately may be cut and harvested; *provided that*:

- a. such commercial trees are not located within primary and secondary forests and watersheds and/or not located within the buffer zones of primary and secondary growth forests and watersheds;
- b. the cutting and harvesting shall be allowed only on commercial trees that have reached at least five years of maturity growth;
- c. subject to the requirement in subparagraph (b) of this Section, the person or corporation operating the commercial trees plantation shall cut and harvest only every five years as to such volume of trees which shall not exceed one-fourth (1/4) of the total trees planted;
- d. the person or corporation shall undertake automatic replenishment after every harvest and cutting of commercial trees;
- e. no person or corporation shall be allowed to cut and harvest as to such gestation period and volume of trees allowed in subparagraph (c) hereof unless such person or corporation had undertaken automatic replenishment on the area already harvested; and
- f. after every harvest and cutting, the private owner/operator of the commercial plantation shall execute and submit a certification on his/her inventory of the remaining trees.

A buffer zone is herein defined as 15 kilometers around from the last outermost growth of primary and secondary forests and watersheds.

SECTION 6. Exemptions. Subject to compliance of environmental conservation requirements and other pertinent rules and regulations, government infrastructure projects and

those of public utilities which require cutting and felling of trees in order to clear spaces and areas designated as project site shall be exempt from the prohibitions of this Act. Tribal communities which use forest resources as sources of food and medicine and which practice non-destructive extraction of branches, twigs, and leaves for shelter requirements are likewise exempted.

SECTION 7. Buying Illegally Cut Logs Is Prohibited and Considered As Fencing. Any person, natural or juridical, who buys illegally cut logs shall be deemed to have committed fencing as defined in the Anti-Fencing Law or Presidential Decree 1612.

SECTION 8. Disposition of Seized Logs. Illegally cut logs seized by deputized enforcement units shall be reserved as first priority for government projects in the province or municipality where the logs originated. In the absence of government projects, the seized logs shall be auctioned in a public bidding to private contractors. The proceeds of the auction shall form part of the funds of forest watch and protection councils which shall use such fund exclusively for reforestation campaigns.

SECTION 9. Creation and Composition of a National Forest Watch and Protection Task Force. For the purpose of implementing and enforcing this Act, there is hereby created a National Forest Watch and Protection Task Force (hereafter referred to as the Task Force). The Task Force shall be constituted within two months after the effectivity of this Act.

It shall be composed of the following: The Secretary of the Department of Natural Resources and Environment as chairperson; the Secretaries of the Department of National Defense, Department of Agriculture, Department of Interior and Local Government, Department of Agrarian Reform, three (3) representatives from people's organizations and non-governmental organizations that shall equally represent Luzon, Visayas and Mindanao. The people's organizations and non-governmental organizations from which the three (3) representatives may be nominated must be advocates of environmental conservation.

SECTION 10. Functions of the Task Force. The Task Force shall have the following functions and responsibilities:

- a. to formulate the implementing rules and regulations of this Act;
- b. to generally oversee the implementation and enforcement of this Act;
- c. to formulate such other administrative policies and guidelines necessary for the implementation of the mandate and provisions of this Act;
- d. to initiate the formation of forest watch and protection councils at the local level;
- e. to approve the composition of community-based forest watch and protection units at the local level;
- f. to coordinate with the local government units for the formulation of guidelines and the pooling of resources necessary for the effective enforcement of this Act;
- g. draft a comprehensive national campaign for community-based reforestation and integrated forest preservation and management; and
- h. to meet regularly to assess compliance of the provisions of this Act.

The Task Force shall issue the implementing rules and regulations of this Act not later than six months after its composition.

SECTION 11. Community-based Forest Watch and Protection Councils. The Task Force shall form or initiate the formation of provincial and municipal community-based forest watch and protection councils. The local community-based forest watch and protection councils (hereafter referred to as FWPC) shall be composed of representatives of forest settlers, indigenous peoples, people's organizations, NGOs, and local governments.

SECTION 12. Functions of the FWPC. The FWPC shall primarily assist the Task Force in implementing and enforcing the mandate and provisions of this Act in their area of jurisdiction. It shall have the following functions and responsibilities:

- a. supervise the operation of community-based forest watch and protection units and conduct field monitoring on the enforcement of the total log ban mandated in this Act;
- b. conduct ocular inspection on the compliance of private commercial tree plantations as to the restrictions and regulations mentioned in Sec. 5 of this Act;
- c. conduct field surveys and evaluation on the state of the forests in their communities and areas, including an appraisal of local traditions and practices in forest management and conservation, to be submitted to the Task Force;
- d. formulate and spearhead community-based reforestation and integrated forest rehabilitation and management programs in their communities and areas;
- e. gather and mobilize human, material, and technical resources for enforcing the total log ban mandated in this Act and for implementing community-based reforestation and integrated forest rehabilitation and management programs; and
- f. conduct education and information drives on the provisions of this Act and on the benefits of integrated community-based forest preservation and rehabilitation.

SECTION 13. Promotion and Creation of Community-based Forest Watch and Protection Units.. Subject to the approval of the Task Force, the FWPC shall create community-based forest watch and protection units (hereafter referred to as CFWPU) which shall primarily act as the basic enforcement units of the mandate and provision of this Act in their area of jurisdiction. They shall be composed as much as practicable by forest settlers, local communities, indigenous peoples and people's organizations.

As deputized units for the enforcement of this Act, they shall have the power to make citizen's arrest upon sight of persons who violate this Act.

SECTION 14. Penal Clause. a). Any person who violates Sec. 3 of this Act shall be penalized with imprisonment of not less than fifteen (15) years but not more than twenty (20) years. In addition, such person shall be liable to pay a fine of not less than five hundred thousand Pesos (P500,000.00) but not more than five million pesos (P5,000,000.00).

b). Any person who violates Sec. 5 of this Act shall be liable to pay a fine of not less than five hundred thousand Pesos (P 500,000.00) but not more than five million Pesos (P5,000,000.00).

c.) Any person who violates Sec. 7 of this Act shall be liable to suffer penalties and/or fines in accordance with The Anti-Fencing Law (Presidential Decree 1612).

d). If the person who violates any provision of this Act is a corporation, the criminal liability shall fall on the chief executive officer of the corporation or any equivalent officer.

SECTION 15. Appropriation. The amount necessary to carry out the functions and responsibilities of the Task Force shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Local government units concerned shall allocate five percent (5%) of their internal revenue allocation for funding the operation of FWPC and CFWPU. Twenty per cent (20 %) of such allocation shall be devoted to reforestation and forest rehabilitation campaigns that shall give employment priority to workers of the logging industry that will be displaced by the total log ban.

SECTION 16. Separability Clause. Should any provision herein be declared unconstitutional or invalid, the same shall not affect the legality and validity of the other provisions of this Act.

SECTION 17. Repealing Clause. All laws, orders, rules and regulations, or any part thereof which are inconsistent herewith are hereby repealed or amended accordingly.

SECTION 18. Effectivity. This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.