

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
FIFTEENTH CONGRESS
First Regular Session

House Bill No. 19

INTRODUCED BY REP. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

In the Academy Award-winning documentary film *An Inconvenient Truth* (2006), former US Vice President Al Gore presents chilling facts about the Earth's worsening condition (rapid-deteriorating polar ice caps, extinction of various flora and fauna, steady increases in worldwide temperature, erratic weather conditions and the adverse effects of these on human health) attributed to global warming. He adds that it is bound to get worse unless every person and every government on the planet acts to mitigate the rampant environmental degradation as a result of human activity.

September last year, we realized that the situation had in fact gotten worse as the Philippines, specifically Metro Manila, experienced *Typhoon Ondoy* with all its might. Thus, this measure come about which seeks to address the urgent concern over the environment particularly the rehabilitation of our forests as well as the protection of the constitutional right of the people to a balanced and healthful ecology.

In view of the foregoing, immediate approval of this bill is hereby sought.



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City of Marikina

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AN ACT
INSTITUTING A SELF-SUSTAINING FOREST MANAGEMENT PROGRAM, BY
PROVIDING INCENTIVES TO TREE PLANTERS ON PRIVATE LANDS, FOREST
LANDS, AND OTHER PUBLIC LANDS AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Tree For Legacy Act of 2010."

SEC. 2. *Declaration of Policies* – Consistent with the constitutional precepts of promoting social justice in all phases of national development and advancing the right people to a balanced and healthful ecology, the State hereby adopts the following policies in relation to the conservation and management of forest and forest resources:

- (a) The State shall ensure equitable access and sharing of rights to natural resources development, management, protection and utilization by providing opportunities to the people to participate actively in forest resource development.
- (b) The State recognizes the role of local government units (LGUs), people's organizations and the community in general as effective partners of the government in the implementation and management of community-based forestry projects and other forest development projects.

SEC 3. *Objectives* – This Act intends to encourage and empower the citizenry in sharing with the National Government and Local Government Units (LGUs) the responsibility in the management and maintenance of ecological balance within their community. Further, this Act intends to use the tree resources for livelihood, to finance the education of the youth and to serve as legacy for future generations.

Specifically, this Act aims to attain the following objectives:

- (a) To enhance public awareness and participation on environmental restoration and protection;
- (b) To encourage the participation of the public and private citizen and civil society in the reforestation program of the government;
- (c) To generate incentives and additional sources of income and livelihood without impairing the ecological balance;
- (d) To reduce poverty incidence and increase literacy in the uplands;
- (e) To develop available and suitable lands, including but not limited to, the protection and production of forest lands and private lands; and
- (f) To accelerate implementation of reforestation programs with

minimal financial assistance from the government.

SEC. 4. Definition of Terms.

- a. **Biodiversity or Biological Diversity**- the variability among living organism from all sources including terrestrial, marine, and aquatic ecosystem and the ecological complexes of which they are part. This includes diversity with species, between species and of ecosystem.
- b. **Certificate of Planted Tree Ownership (CPTO)**- a document issued by DENR in coordination with the concerned LGU to tree for legacy grantee to cover his/her trees planted to enable him/her to harvest/cut/ utilized or transfer the ownership of the same to other person in the future.
- c. **Certificate of Usufruct (COU)** – a document issued by DENR in coordination with the concerned LGU to the tree for legacy grantee to the trees planted which will enable him/her to utilize its fruits and its enhanced environment without cutting/harvesting the tree or timber
- d. **Cloned Planting Materials**- a planting stock that came from a tree propagated from another tree by vegetative or asexual means either by macro or micro propagation techniques.
- e. **Degraded Land**- an area of land, which decline its productivity or its ability to support natural ecosystems.
- f. **Endemic Species** – species native to or confined to a particular or specific locality
- g. **Forest Products**- good and services derived from the forest such as but not limited to timber, lumber, veneer, plywood, fiberboard, pulpwood, firewood, bark, tree top, resins, gums, wood oil, honey, beeswax, nipa, rattan bamboo or other forest growth such as grass, shrub and flowering plant, the associated water, fish, game, scenic, historical and educational
- h. **Indigenous Species**- a species native to the country or an specific area
- i. **Non-Timber Forest Products (NTFP)**- all biological materials and derivatives other than timber or wood, which are extracted from forests for human use. synonymous to non-wood forest products
- j. **Open Lands**- are open forestlands with a formation of discontinuous tree layer with coverage of at least 10% and less than 40%. they are either, managed or unmanaged forests, in its initial stage of succession.
- k. **Private Land** - any lands belonging to any private person or group of persons or juridical entity by virtue of statutory and/or customary laws
- l. **Public Land**- all lands of the public domain except those that are not covered by statutory and customary laws
- m. **Site Development**- all improvements introduced in a particular area based on the submitted and approved management plan.

- n. **Timber Products** - goods that came from the wood of the tree such as logs, lumber, veneer, plywood, plyboard, fuelwood, firewood, fiberboard, pulpwood, charcoal, tree top, wood-based furniture and handicraft, either in finished, semi-finished, knockdown or semi-knockdown.
- o. **Tree of Legacy Program (TLP)** – a reforestation program to be administered by the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) in partnership with the concerned local government unit with the objective to use the tree resources for livelihood and enterprise development to finance the education of the youth and to serve as legacy for future generations.
- p. **Tree for Legacy Contract (TLC)**- an agreement issued by the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) upon the recommendation of the concerned local government unit (LGU) to a qualified participant to the Tree for Legacy Program.

SEC. 5. *The Tree for Legacy Program* –The Tree for Legacy program is a nationwide reforestation program to be administered by Department of Environment and Natural Resources (DENR) in partnership with the local government units concerned and other concerned government agencies. The program shall encourage the participation of individuals, people's organization, government employees, indigenous peoples, concerned citizens and civil society groups, by providing them incentives, and privileges.

SEC. 6. *Areas Available for the Tree for Legacy Program*. – The program shall cover open and degraded public lands, private lands, and other lands deemed appropriate by the DENR. For individual grantees, a maximum of five (5) hectares and for groups/associations, not less than fifty (50) hectares but not more than five hundred (500) hectares shall be granted.

SEC. 7. *Who May Avail of the Program*. This Program is open to individuals, peoples organization, government employees, civic and religious organizations, indigenous peoples, cooperatives, association, youth, students, Philippine National Police (PNP) and military groups who meet the qualification requirements.

Qualifications Of Applicant:

- 1. **INDIVIDUAL:**
 - interested individual to avail the Tree for Legacy Program
- 2. **GROUP:**
 - A) Duly registered with Security and Exchange Commission (SEC) OR Cooperative Development Authority (CDA)
 - B) Financial and technical capability to engage in tree and/or forest development
 - C) Track record in forest/agroforestry development

The order of priority shall be as follows: a) marginalized bonafide resident of the municipality where the project area is located; b) native of the province but living outside of the municipality; and c) other interested parties authorized to avail of the program.

SEC. 8. *Issuance Of An Agreement*. A Memorandum of Agreement shall be forged

between DENR Secretary and the provincial governor concerned to jointly implement the Tree for Legacy Program, covering a maximum area of five thousand (5,000.00) hectares, to be jointly identified by the DENR and LGU concerned at the provincial level.

SEC. 9. Issuance of Contract, Certificates and Permits. To ensure and enable the proper implementation of the Program, the following contracts, certificates and permits shall be issued:

- (a) *Tree for Legacy Contract (TLC).* The DENR, upon the recommendation of the LGU concerned, and the program participant shall enter into a Tree for Legacy Contract (TLC) over the land applied for by virtue of this Act.

The TLC shall also enable the grantee to plant trees, encourage the introduction of Non-Timber Forest Products (NTFP)] or utilize the contracted land for agro-forestry purposes as contained in the Indicative Development and Environmental Plan which shall form part of the TLC, embody the rights and obligations of the applicants and the grantor and shall serve as the basis for the issuance of the Certificate of Planted Tree Ownership and/or Certificate of Usufruct. The TLC shall have a duration of twenty five (25) years, renewable for another twenty five (25) years as determined by DENR and LGU concerned.

The TLC holders are encouraged to use cloned/certified planting materials/stocks to assure quality plantations as well as indigenous and endemic species for biodiversity conservation.

Holder of TLC under the Tree for Legacy Program shall first secure the following documents, before any cutting/harvesting, gathering and transporting of timber and other Non-Timber Forest Timber (NTFP) Products. other non-timber forest plants, including fruit tree species may be harvested, gathered or transported in accordance with the existing Environment and Natural Resources (ENR) laws, rules and regulations.

- (b) *Certificate of Planted Tree Ownership (CPTO).* The Certificate of Planted Tree Ownership (CPTO) shall be issued to cover the trees planted for timber production purposes. The CPTO shall signify the tree planters' ownership over the trees they planted and enable the planters to cut and transport their forest products.

- (c) *Certificate of Usufruct (COU)* - The Certificate of Usufruct shall be issued to cover products other than timber that could be derived from forest plantation. The COU shall permit the tree planters to enjoy the fruits of their plantations

- (d) *Permit to Harvest and Transport.* Those with Certificates of Usufruct (COU) shall be given the permit to harvest and transport the fruits and other by-products thereof: Provided, that there shall be no cutting of trees. The permit shall be issued by the local DENR office concerned.

- (e) *Permit to Cut and Transport.* Those with Certificates of Planted

Tree Ownership (CPTO) shall be given permit to cut and transport trees upon compliance with the conditions set forth by the DENR.

SEC. 10. *Incentives and Privileges.* To encourage participation in the Tree for Legacy Program, the following incentives and privileges are hereby granted:

- (a) All planted trees within private lands and forests lands shall belong to the owner or grantee who shall have the right to harvest, sell and utilize such trees and crops, except those refrained for environmental protection purposes or those identified by DENR as mother[/PLUS] trees;
- (b) All plantation products shall be exempted from payment of forest charges; and
- (c) Subject to prior notice to both DENR and the LGU concerned, the TLC, CPTO and COU are transferable either voluntarily, only after three (3) years with acceptable site development, or by testate or intestate succession.

SEC. 11. *Obligations of the Parties*

The following obligations are hereby imposed for the effective and successful implementation of the Program:

(a) *The grantees or beneficiaries of the Tree for Legacy Program shall:*

- 1) Prepare an Indicative Development and Management Plan for the project;
- 2) Develop the site based on the approved Indicative Development and Management Plan
- 3) Finance all the necessary cost in undertaking the site development and management activities;
- 4) Assist in the delineation and survey of the area applied for under the Tree for Legacy contract;
- 5) Abide by the standards and guidelines prescribed by DENR with respect to proper forest site development and management;
- 6) Report any violation of forest laws, rules and regulations to DENR; and
- 7) In case of individual grantees, they shall form themselves into a tree farmers association.

(b) *Department of Environment and Natural Resources (DENR), through its Field Offices shall:*

- 1. Jointly with the lgu concerned:
 - A. Identify, evaluate, and survey and map out areas subject of the program;
 - B. Provide technical and marketing assistance to the holders of the CPTO and COU; and
 - C. Monitor program implementation
- 2. Assist the grantee in the preparation of the indicative Development and Management Plan as part of the TLC;
- 3. Issue TLC, CPTO AND COU within public forestlands, as appropriate

in coordination with the LGU concerned]

4. Issue permit to cut, harvest or transport timber or timber products and Non-Timber Forest Products subject to existing forestry laws, rules and regulations;
5. Conduct inventory of trees and other non-timber forest products to be harvested in coordination with LGU concerned and the grantee; and
6. Monitor the cutting, gathering and transport of forest products in coordination with the concerned municipal/city government.

(c) The LGU concerned shall:

1. Serve as custodian and registering officer of all documents relative to this program in coordination with the DENR local office;
2. Assist in the identification of sites for tree planting;
3. Establish seeding nursery;
4. Monitor the implementation of the program in the municipality/city.
5. Issue TLC, CPTO AND COU within private lands, as appropriate in coordination with DENR;
6. Validate the identity of participants and issue appropriate certification thereof through the punong barangay;
7. Act as arbiter of all conflicts arising relative to the program; and
8. Establish a data-base system on all projects within its jurisdiction, copy furnished DENR.

SEC. 12. Rights of the Grantee. The grantee shall exercise the following rights:

- (a) Cut, gather, utilize, harvest, transport, market timber and other forest products including fruits covered by CPTO and/or COU;
- (b) Utilize the land for agroforestry, pursuant to the approved Indicative Development and Management Plan to prevent activities that may endanger the ecological conditions of the area (such as fires, and the use of kaingin system) and promote other productive purposes (such as ecotourism and agri-tourism);
- (c) Utilize tops and branches as a result of pruning and thinning including trees destroyed by natural calamities or disease subject to DENR laws rules and regulations;
- (d) Sell, convey and transfer the TLC to any person or group of persons, associations, corporations, government agencies or entities, provided, that both the transferrer and the transferee have met all the qualifications under this act;
- (e) Sell, convey and transfer the CPTO and/or COU to any person or group of persons, associations, corporations, government agencies or entities covering the standing planted trees and other forest products including the fruits;
- (f) Transfer the TLC, CPTO and/or COU to the legal heirs upon application of the heirs for transfer within ninety (90) days period after the death of the grantee;

SEC. 13. Rights Of Grantor.

- a. Suspend or cancel the TLC in case of violations of the terms

and conditions thereof;

- b. Reduce the area of the TLC or COU, if the holder failed to develop the same within the prescribed period; and
- c. Forfeit improvements in case of cancellation for cause.

SEC. 14. Assistance by Government Agencies. To ensure the progressive development and success of the program, assistance to the grantee shall be provided by the following agencies, but not limited to the:

- b) Department of Interior and Local Government (DILG);
- c) Department of Agriculture (DA);
- d) Department of Education (DepEd);
- e) Commission of Higher Education (CHED)
- f) Department of Trade and Industry (DTI)
- g) Philippine Coconut Authority (PCA);
- h) Armed Forces of the Philippines (AFP); and
- i) Philippine National Police (PNP)

The assistance shall either be in the form of financial, technical, and marketing assistance, provision of seedlings, tools and equipment, and other services within the ambit of the agencies' respective field of specialization.

The municipal/city government concerned may enact an ordinance imposing service charges which shall constitute a lien on the trees, part of which shall be set aside as Tree for Legacy Trust Fund to finance the research, extension and development, monitoring and evaluation, capacity building, and information, education and communication campaign. The proceed of the said trust fund shall accrue to a special deposit of DENR as its revolving fund for the aforementioned activities.

SEC. 15. Designation of Environment and Natural Resources Officer (ENRO) from the local government unit concerned to act as Area Manager. To guarantee the successful implementation and close monitoring of the program, preferably licensed Forester shall be appointed by the Provincial Governor as Area Manager of the Program in the province

The Area Manager shall have the following obligations:

- a) Monitor the implementation of the Program within his/her area of responsibility;
- b) Jointly conduct with DENR the inventory of trees and other forest products;
- c) Establish a marketing mechanism that will link the planters of local and international market; and
- d) Perform other acts necessary or incidental thereto for the effective and successful implementation of the Program.

SEC. 16. Implementing Rules and Regulations. The DENR, in coordination with the Department of Local and Interior Government (DILG) and the House Special Committee on Reforestation and the Senate's Committee on Environment and Natural Resources shall within six (6) months from the effectivity of this Act, promulgate the implementing rules and regulations necessary for the effective implementation of this Act.

SEC. 17. Report to Congress. The DENR, in coordination with the LGU

concerned shall report to Congress at the end of every year following the approval of this Act, the progress of the program and recommend necessary actions for legislation.

SEC. 18. Congressional Oversight. An oversight committee consisting of five (5) members each from the respective Committees on Environment and Natural Resources and the Special Committee on Reforestation of both houses of Congress shall constitute a Joint Congressional Oversight Committee who shall conduct a review and assessment of the program with the aim of strengthening or improving program implementation.

SEC. 19. Penalties. Failure of the grantee to comply with the terms and conditions stipulated in the TLC or violation of any of the pertinent forestry laws, rules, and regulations shall constitute a ground for the suspension of the rights and privileges or the reduction of granted areas, when applicable, or cancellation of the TLC after due process.

Any person, natural or juridical, found guilty of violating any provisions of this Act or the rules and regulations issued by the DENR shall, after due process and upon conviction, either be fined, in the amount of not less than Twenty Thousand Pesos (PHP 20,000.00), BUT NOT EXCEEDING ONE HUNDRED THOUSAND PESOS (PHP100,000.00) or be sentenced to imprisonment of not less than one (1) month to six (6) months, or both, at the discretion of the Court: Provided, That if the area requires rehabilitation or restoration as determined by the Court, the offender shall be required to restore or compensate for the restoration of the damage; Provided, further, That if the offender is an organization, association or corporation, the president, or the manager and the officer who has direct knowledge of the offense shall be held liable under this Act.

SEC. 20. Separability Clause. Should any provision of this Act be declared unconstitutional, the validity or legality of the other provisions that can stand independently shall not be affected thereby.

SEC. 21. Repealing Clause. All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 22. Effectivity. This Act shall take effect fifteen days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes first.

Approved.