

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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H. B. No. **438**

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The destruction of Philippine forests has been described as the most rapid and most massive in the world. According to the Asian Development Bank (ADB), the average annual rate of deforestation in the country is one of the highest in East Asia and Southeast Asia at 1.4%.

According to another report from Haribon Foundation, our forests have reached the threshold of sustainability. In the 1900s, forest cover in the Philippine was estimated at 21 million hectares (70% of the country's total land area). A decade later, the once lush forest cover was further reduced to a measly 800,000 hectares (18%). In the year 2010, it is projected that forest cover will be reduced to an upsetting 266,666 hectares (6%).

Such a limited forest cover could hardly sustain a population, which today stood at more than eighty million Filipinos growing at a rate of 2.36% per annum. As a gross consequence, ecological and economic disasters have now become inevitable. Based on the Department of Environment and Natural Resources (DENR) list, some 38 areas nationwide are prone to frequent landslides and flooding, most of which are located in the heavily denuded forest areas in the country.

There is no single solution to all these problems but the Tree for Legacy Act as a Forest Management Program is certainly one of them. Its objectives are consistent with Executive Orders 263 and 318 in promoting community-based ('people-based') approaches in attaining sustainable forest management in the country. Further, this bill also encourages tree plantation development from both private and public lands, which is very important in integrated watershed management.

Approval of this measure, therefore, is strongly urged



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

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 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 of the 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; and

(b) The State recognizes the role of the 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 the LGUs the responsibility in the management and maintenance of ecological balance within their community.

Specifically, this Act aims to attain the following objectives:

- a) To enhance public awareness on and participation in environmental restoration and protection;
- b) To encourage the participation of the public and private 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 of our natural resources;
- d) To reduce poverty incidence in the uplands;

- e) To cover available lands possible including, but not limited to, the protection and production of forestlands and private lands; and
- f) To accelerate the implementation of reforestation programs with minimal government assistance.

SEC. 4. *The Tree for Legacy Program.* The Tree for Legacy Program is a nationwide reforestation program to be administered by LGUs in partnership with the Department of Environment and Natural Resources (DENR) and other concerned government agencies. The program shall encourage the participation of individuals, indigenous peoples, concerned citizens or groups (including, but not limited to, nongovernment organizations, private, civic and religious organizations) by providing incentives, as well as rights and privileges to tree planters.

SEC. 5. *Areas Available for the Tree for Legacy Program.* The program shall cover private lands, protection forests, production forests, open lands and other lands deemed appropriate by the DENR.

SEC. 6. *Who May Avail of the Program.* This program is open to all including, but not limited to, individuals, government employees, civic and religious organizations, indigenous peoples, cooperatives, associations, youth, students, the Philippine National Police (PNP) and military groups who meet the desired requirements.

Beneficiaries of existing DENR reforestation programs may also avail of this program.

SEC. 7. *Issuance of Agreements, 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 provincial office shall, upon the recommendation of the municipality/city government concerned, issue TLCs over the lands applied for by virtue of this Act.

For public lands, the TLC shall also allocate the portion of land applied for to be covered by this Act. The TLC shall also enable the grantee to plant trees and utilize the covered 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 and the Certificate of Tree Ownership and the Certificate of Usufruct. The TLC shall have a lifespan of twenty-five (25) years;

(a) Certificate of Tree Ownership (CTO). – The CTO is issued to cover the trees planted by the grantee on titled lands, production forests and other non-protected areas. The CTO shall signify the tree planters' ownership over the trees they have planted and enable the planters to cut and transport their forest products. The DENR provincial office and the provincial government shall jointly conduct a

complete inventory and thorough inspection of the trees planted to ensure compliance with the prescribed conditions prior to the issuance of the CTO;

(b) Certificate of Usufruct (COU). – The COU is issued to cover the trees planted by the grantee on protection forest plantation areas where cutting is prohibited as determined by the DENR. The COU shall permit the tree planters to enjoy the fruits of their plantations. The DENR provincial office and the provincial government shall jointly conduct a complete inventory and thorough inspection of the trees planted to ensure compliance with the prescribed conditions prior to the issuance of the COU;

(c) Permit to Harvest. – Those with COU shall immediately be given the permit to harvest the fruits and other by-products thereof: *Provided*, That no cutting of trees will be involved. The permit shall be issued by the local DENR office concerned upon the recommendation of the provincial government; and

(d) Permit to Cut and Transport. – A grantee of a CTO shall be given a permit to cut and transport trees upon compliance with the conditions set forth by the DENR in the rules and regulations to be issued to implement the provisions of this Act.

SEC. 8. *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 forestlands 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 the DENR as mother trees;

(b) All plantation products shall be exempted from payment of forest charges. However, the municipality/city government concerned may enact an ordinance imposing service charges which shall constitute a lien on the trees; and

(c) The TLC, the CTO and the COU are transmissible either by voluntary or by testate or intestate succession.

SEC. 9. *Obligations of the Grantees, the Grantors, the DENR and the LGUs.* The following obligations are hereby imposed for the effective and successful implementation of the program:

(a) On the part of the Grantees. – The grantees or beneficiaries of the Tree for Legacy Program shall:

(1) Prepare an indicative development and environment plan for the project;

(2) Finance all the necessary costs in undertaking the tree planting activities;

(3) Assist in the delineation and survey of the area applied for under the TLC;

(4) Abide by the standards and guidelines prescribed by the DENR with respect to proper forest plantation management; and

(5) Report any violation of forest laws, rules and regulations.

(b) On the part of the DENR. – The DENR, through its provincial offices, shall:

(1) Assist the grantee in the preparation of the indicative development and environment plan as part of the TLC;

(2) Together with the respective LGUs, provide technical and marketing assistance to the holders of the CTO and the COU;

(3) Issue permit to cut, harvest or transport timber or lumber, subject to existing forestry laws, rules and regulations;

(4) Determine the trees to be harvested in coordination with the municipal/city government; and

(5) Monitor the cutting and processing of trees including the transport of forest products in coordination with the concerned municipal/city government.

(c) On the part of the Municipal/City Government. – The concerned municipal/city government 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; and

(4) Monitor the implementation of the program in the municipality/city.

(d) On the part of the Sangguniang Barangay. – The sangguniang barangay, through the punong barangay, shall:

(1) Validate the identity of participants and issue appropriate certification thereof; and

(2) Act as arbiter of all conflicts arising relative to the program.

(e) On the part of the Grantor. – The grantor, together with the DENR and the provincial government, shall:

(1) Identify, evaluate and survey and map out areas subject to the program;

(2) Approve and issue the TLC for areas within the private and public forestlands;

(3) Approve and issue the CTO within private and public forestlands within the production of forest plantations;

(4) Approve and issue the COU within protection forest plantations;

(5) Provide technical and marketing assistance to the program beneficiaries;

(6) Establish a database system on all projects within its jurisdiction; and

(7) Monitor program implementation in the province.

SEC. 10. *Rights of the Grantee.* The grantee shall exercise the following rights:

a) Sell, convey and transfer to any person or group of persons, associations, corporations, government agencies or entities rights over the standing planted trees covered by the CTO;

b) Gather and harvest fruits and other by-products thereof covered by the COU;

c) Transfer by will and testament or through intestate succession the trees covered by his/her CTO/COU;

d) Utilize the land for agro-forestry 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);

- e) Utilize branches as a result of pruning and thinning, and enjoy the right to cut trees destroyed by natural calamities or disease after the inventory of such damaged trees has been jointly made by both the DENR and the provincial government;
- f) Harvest and utilize planted trees in production areas covered by the CTO; and
- g) In case of private properties, if the grantee has already harvested the tree crops, the owner shall have the right to utilize his/her land for agricultural purposes.

SEC. 11. Assistance by Governing Agencies. To ensure the progressive development and success of the program, assistance to the LGUs shall be provided by the following agencies, but not limited to the:

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

SEC. 12. Designation and Obligations of Area Manager. To guarantee the successful implementation and close monitoring of the program, a licensed forester or agroforester shall be appointed by the provincial governor as area manager of the program in the province.

The area manager shall have the following duties and functions:

- (a) Ensure the proper inventory of trees;
- (b) Facilitate the issuance of certificates and permits;
- (c) Monitor the implementation of the program within its area of responsibility;
- (d) Establish a marketing mechanism that will link the planters to local and international markets; and

Perform other acts necessary or incidental thereto for the effective and successful implementation of the program.

SEC. 13. Implementing Rules and Regulations. The DENR, in coordination with the DILG and the House Special Committee on Reforestation and the Senate 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. 14. *Report to Congress.* The DENR 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. 15. *Congressional Oversight.* An oversight committee consisting of five (5) members each from the Senate Committee on Environment and Natural Resources and the House Special Committee on Reforestation shall constitute a Joint Congressional Oversight Committee which shall conduct a review and assessment of the program with the aim of strengthening or improving program implementation.

SEC. 16. *Penalties.* Failure of the grantee to comply with the terms and conditions stipulated in the TLC or any violation of pertinent forestry laws, rules and regulations shall constitute a ground for the suspension or cancellation of the rights and privileges under the program or the reduction of granted areas, when applicable.

Failure of the grantor to comply with the terms and conditions stipulated in the TLC or any violation of pertinent forestry laws, rules and regulations shall likewise make him/her liable for the penalties stated hereunder.

In addition, any person, natural or juridical, found guilty of violating any provision 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 Ten thousand pesos (P10,000.00) or be sentenced to imprisonment for 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. 17. *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. 18. *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. 19. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,