

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **3515**

Introduced by Honorable DANILO E. SUAREZ

EXPLANATORY NOTE

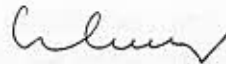
Coconut is one of the principal crops of the Philippines. The coconut industry is a dominant sector of Philippine agriculture. Of the 12 million hectare of farmlands in the country, 3.1 million hectare is devoted to coconuts which in turn give work to 3.5 million coconut farmers. 68 out of 79 provinces in the country are coconut areas.¹

The coconut industry plays a vital part in our economy as 25 million Filipinos are directly or indirectly dependent on the industry. The industry is among the top 5 net foreign exchange earners, averaging almost \$760 million per year on the strength of our having 59% share in the world's coconut exports.

Considering the importance of the coconut industry, there is now a need to revisit Republic Act 8048 (The Coconut Preservation Act of 1995) given the necessity of stronger enforcement in regard to replanting. Just recently, based on a report submitted to CALABARZON PNP Provincial Director C/Supt. Rolando Anonuevo, 281,748 board feet of coconut lumbers were confiscated along with sixty one units of power chain saws.²

The amendments introduced by this bill take into account the lessons learned since the passage of R.A. 8048. The permit fee is updated to reflect the effects of inflation and the penalties are increased. The certification requirement is modified so that accountability is introduced at the level where the cutting occurs. Experience has taught us that no illegal cutting of coconut happens without the knowledge and assent of the local authorities in the area. By identifying the barangay captains as the proper authority responsible for the certification required for the replenishment program and who will be penalized in case illegal cutting of coconut trees occurs in their area of responsibility, we establish an efficient psychological deterrent against this nefarious practice, and address the goals of replenishing legally cut trees.

Considering the foregoing reasons, the passage of this bill is earnestly requested.



DANILO E. SUAREZ
Representative
Third District, Quezon Province

¹ <http://www.pca.da.gov.ph/magnitude.html>

² <http://www.pia.gov.ph/?m=12&r=&y=&mo=&fi=p100805.htm&no=27>

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AN ACT AMENDING SECTIONS 5 AND 8 OF REPUBLIC ACT 8048,
ALSO KNOWN AS THE "COCONUT PRESERVATION ACT OF 1995."

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

SECTION 1. Section 5 of Republic Act 8048, also known as the "Coconut Preservation Act of 1995" is hereby amended to read as follows:

Sec. 5. Permit to cut. —No coconut tree or trees shall be cut unless a permit therefore, upon due application being made, has been issued by the PCA pursuant to Section 6 of this Act.

The applicant shall pay an application fee in the amount of FIFTY PESOS (P50.00) for every tree intended to be cut payable to the PCA. TWENTY PESOS (P20.00) of the fee shall accrue in favor of the PCA, TWENTY PESOS (P20.00) in favor of the municipal government concerned, and TEN PESOS (P10.00) in favor of the barangay unit concerned. The fees shall be used for the PCA's replanting program and for the repair and rehabilitation of roads of the respective local government units which have been damaged by the passage of heavy vehicles used for transporting coconut lumber.

No permit to cut shall be granted unless the applicant HAS SECURED FROM THE BARANGAY CAPTAIN OF THE LOCALITY WHERE THE CUTTING WILL BE DONE A CERTIFICATION UNDER OATH THAT HE/SHE [in coordination with the PCA and the local government unit concerned,] has already planted the equivalent number of coconut trees applied for to be cut.

Such replantings, however, shall not apply to areas converted into industrial, commercial or residential sites or land transformed in accordance with law, into other agricultural purposes.

The PCA, in coordination with the local government unit concerned, shall VERIFY IF A REPLANTING WAS IMPLEMENTED AND regulate and oversee the [planting,] fertilization and care of the newly planted coconut trees. For this purpose, it shall be incumbent upon the PCA to conduct, from time to time, on-the-spot inspections of the sites where the coconut trees have been planted.

SECTION 2. Section 8 of Republic Act 8048 is hereby amended to read as follows:

Sec. 8. Penalties. —Those found guilty of violating this Act or any rules and regulations issued pursuant hereto shall, upon conviction, be punished by imprisonment of not less than TWO (2) YEARS but not more than six (6) years, or a fine of not less than ONE HUNDRED THOUSAND PESOS (P100,000) but

not more than Five hundred thousand pesos (P500,000), or both in the discretion of the court.

If the offender is a corporation or a juridical entity, the official who ordered or allowed the commission of the offense shall be punished with the same penalty.

UPON VERIFICATION BY THE PCA THAT NO REPLANTING WAS DONE, THE BARANGAY CAPTAIN WHO ISSUED THE CERTIFICATION SHALL, UPON CONVICTION, BE PENALIZED WITH IMPRISONMENT OF NOT LESS THAN THREE (3) YEARS BUT NOT MORE THAN SEVEN (7) YEARS AND A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (PhP 100,000.00) BUT NOT MORE THAN ONE MILLION PESOS (PhP 1,000,000.00). FURTHERMORE, THE BARANGAY CAPTAIN CONCERNED SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE.

SECTION 3. *Separability Clause.* – If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved