



Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

Fifteenth Congress

First Regular Session

HOUSE BILL NO. **3864**

Introduced by Honorable Sharon S. Garin

EXPLANATORY NOTE

Simply put, the fundamental building block of the coconut industry is the coconut tree; it is the foundation on which the industry is built on. Thus, it is but practical and sensible that measures be taken to protect and preserve the very existence of the coconut tree, which buttress the productivity of one of the largest agricultural industries in the country and the livelihood of 3.5 million coconut farmers.

To this end, Republic Act 8048 or the Coconut Preservation Act of 1995 was promulgated in June 1995 to regulate the unabated and indiscriminate cutting of coconut trees. Although the law has proven to be an indispensable measure in preserving our coconut trees and encouraging sustainable and efficient replanting programs, it is opportune to revisit the law fifteen (15) years after its enactment to bring it up to date to the needs and realities of the times.

One of the provisions that call for an amendment is the provision on penalties. Republic Act 8048 mandates a Twenty Five Peso (P25.00) application fee which is accrued in favor of the Philippine Coconut Authority (PCA), the municipal government, and barangay unit concerned. Said fees are consequently used for PCA's replanting

program and repair and rehabilitation of roads of the concerned local government units which are used by heavy vehicles in transporting coconut lumber. Fifteen years later, the application fee's real worth over time has notably diminished due to inflationary measures.

To truly have a meaningful and effectual replanting and replenishment program for the cut trees, funding must be sufficient in tune with the financial realities of the times. Hence, the application fee for cutting coconut trees has to be concomitantly updated, reflecting the true costs involved in replanting programs in the present day.

Another component of the Act that needs to be revisited is the power vested to the Philippine Coconut Authority to efficiently implement the goals of Republic Act 8048. The PCA is virtually toothless in apprehending violators of the Act. Even when a violation of the Act is ongoing, PCA has to locate and deputize personnel of the Philippine National Police to apprehend those caught violating the provisions of the law, including the confiscation of illegally cut trees, giving the violators a considerable and significant lead time to finish their deed and escape unscathed from the law. It is, thus, salient to review the powers of the PCA in relation to this law and equip it with duly delegated police powers to fully and effectively implement Republic Act 8048.

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



ATTY. SHARON S. GARIN



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AN ACT

AMENDING SECTIONS 4, 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 4 of Republic Act 8048, also known as the "Coconut Preservation Act of 1995" is hereby amended to read as follows:

Sec. 4. Prohibition. – No coconut tree shall be cut except in the following cases and only after a permit had been issued therefore:

- a.) When the tree is 60 years old;
- b.) When the tree is no longer economically productive;
- c.) When the tree is disease-infested;
- d.) When the tree is damaged by typhoon or lightning;
- e.) When the agricultural land devoted to coconut production shall have been converted in accordance with law into residential, commercial, or industrial areas;
- f.) When the land devoted to coconut production shall be converted into other agricultural uses or other agriculture-related activities in pursuance to a conversion duly applied for by the owner and approved by the proper authorities; *Provided*, That no conversion shall be allowed by the PCA until after it shall have been verified and certified that for a period of at least three (3) years the majority of the coconut trees have become senescent and economically unproductive or where the coconut farm is not adaptable to sound management practices on account of geographical location, topography, drainage and other conditions rendering the farm economically unproductive;

g.) When the tree would cause hazard to life and property; and
h.) WHEN THE TREE OR TREES ARE INVOLVED IN THE REPLANTING OR REHABILITATION PROGRAM OF THE PCA: *PROVIDED*, THAT THE AFFECTED STAKEHOLDERS SHALL BE FURNISHED OF THE FINDINGS OF THE PCA.

No other causes other than those abovementioned shall be considered as a valid ground for cutting.

SECTION 2. Section 5 of Republic Act 8048 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 ALLOCATED TO THE PCA shall be used for ITS [the PCA's] replanting program and THE FEES ALLOCATED TO THE MUNICIPAL GOVERNMENT SHALL BE USED 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, AND OF MUNICIPAL FARM TO MARKET ROADS.

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 3. 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 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 judicial 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 (P100,000) BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000). FURTHERMORE, THE BARANGAY CAPTAIN CONCERNED SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE.

SECTION 4. POLICE POWERS -- THE PCA SHALL BE VESTED WITH THE AUTHORITY TO EXERCISE DULY DELEGATED POLICE POWERS FOR THE PROPER PERFORMANCE OF ITS FUNCTIONS AND DUTIES, TO WIT:

- A.) INVESTIGATE SUSPECTED VIOLATIONS OF THIS ACT;
- B.) ARREST AND APPREHEND ANY PERSON ACTUALLY COMMITTING OR ATTEMPTING TO COMMIT AN OFFENSE UNDER THIS ACT;
- C.) ARREST AND APPREHEND POSSESSOR OF COCONUT LUMBER WITHOUT THE NECESSARY PERMIT AS REQUIRED UNDER THIS ACT;
- D.) SEARCH AND SEIZE A MOVING VEHICLE WITH ILLEGALLY CUT, GATHERED, COLLECTED, OR REMOVED COCONUT LUMBER: *PROVIDED*, THAT PROBABLE CAUSE FOR THE SEARCH IS ESTABLISHED;
- E.) STOP THE TRANSPORT AND/OR SHIPMENT OF COCONUT LUMBER WITHOUT AUTHORITY OR WITHOUT LEGAL DOCUMENTS IN ACCORDANCE WITH PERTINENT LAWS, REGULATION OR POLICIES ON THE MATTER;
- E.) CONFISCATE AND FORFEIT IN FAVOR OF THE GOVERNMENT THE ILLEGALLY CUT, GATHERED, COLLECTED, REMOVED, POSSESSED OR ABANDONED COCONUT LUMBER, AS WELL AS THE MACHINERY, EQUIPMENT, IMPLEMENTS, AND TOOLS ILLEGALLY USED IN THE COMMISSION OF THE OFFENSE AND TO DISPOSE OF THE SAME IN ACCORDANCE WITH PERTINENT LAWS, REGULATION OR POLICIES ON THE MATTER; AND
- F.) AUTHORITY TO SEEK THE ASSISTANCE OF OTHER LAW ENFORCEMENT AGENCIES FOR THE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF THIS ACT.

SECTION 5. 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 6. Repealing Clause -- All laws, issuances or any part thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 7. Effectivity -- This Act shall take effect after its publication in two (2) newspapers of general circulation.

Approved,