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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. 5112

Introduced by Hon. ANGELO B. PALMONES

**AN ACT
PROVIDING FOR THE DELINEATION OF THE SPECIFIC FOREST LIMITS
OF THE PUBLIC DOMAIN AND FOR OTHER PURPOSES**

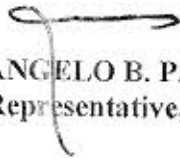
EXPLANATORY NOTE

Forests and forest ecosystems are the life blood and support system of the environment. They are the habitat of diverse plants and animals, regulate the flow of water thus reducing the impacts of flash floods, protect the soil from erosion, protect communities from strong wind and tsunamis especially coastal communities, act as nurseries of marine organisms such as fish, crustaceans and shells. Forests also mitigate the impacts of climate changes.

Forest products are the raw materials of processing industries providing employment to a significant number of the population. A great number of these products find their way into the export market thus earning substantial foreign exchange for the country. Forests are also sources of pharmaceuticals and medicines, a fast expanding industry.

Forestry statistics indicate that the forest lands of the country cover more than 15 million hectares. Since the early 1950s attempts have been made by the defunct Bureau of Forestry to delineate the forest boundary by conducting land classification and mapping these areas. Certainly the boundaries of the forest have changed and shifted because of both lawful and unlawful occupancy of the forest. Many of the forestlands have been declared as alienable and disposable and in fact indigenous peoples have claimed portions of the portions of the forest lands as ancestral lands or domains under the Indigenous People's Rights Act (RA No. 8371). It has also been alleged that about 5 million hectares of the forest land have been titled as certificate of ancestral land titles or certificate of ancestral land domains.

These changes in the forest lands have made it difficult for government agencies mandated to manage these lands. Delineating the limits of the forest lands would make the conservation and protection of the forest and forest lands more rational and make sustainable forest management easier to achieve. It is for these reasons that this bill must be enacted as soon as possible.


ANGELO B. PALMONES
Representative, Agham Party List

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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 and cited as the "Final Forest Limits Act of 2011".

SECTION 2 Declaration of Policy- It is the policy of the State to conserve, protect and develop the forest resources of the country in order to attain ecological balance, preserve valuable ecosystems, prevent environmental degradation and promote sustainable development for the present and future generations. To achieve these ends, Section 4 of Article XII of the 1987 constitution mandates Congress to determine by law the specific limits of forestlands marking clearly their boundaries on the ground.

SECTION 3 Definition of Terms.-

- a) Agricultural lands- refer to alienable or disposable lands of the public domain which have been the subject of the land classification system and declared as not needed for forest purposes.
- b) Delimitation survey- refers to the establishment of land classification boundaries, and the monumenting thereof following ground survey.
- c) Delineation- the conduct of site investigation, field reconnaissance and assessment, and staking of boundaries between forestlands, national parks and agricultural lands verified in the field in accordance with the criteria set forth under DENR DAO 2008-24.
- d) Forestlands- all lands of the public domain already classified as forestland as per existing land classification maps issued by the Department of Environment and Natural Resources (DENR) including all permanent forest reserves proclaimed as such by the President or declared by law; and such areas within the unclassified lands of the public domain that were assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations.
- e) Protected Area- refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

SECTION 4- What Constitutes the Forestlands- The following shall constitute the forestlands, to wit: (a) all lands of the public domain already classified as forestland as per existing land classification maps issued by the Department of Environment and Natural Resources (DENR); (b) all permanent forest reserves proclaimed as such by the President or declared by law; and (c) such areas within the unclassified lands of the public domain that were assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations.

SECTION 5- Guidelines in Determining the Specific Limits of forestlands-The following guidelines and procedures shall be followed in determining the specific limits of forestlands in the country:

- a) The previously-established Land Classification survey lines per Province with their respective technical descriptions (TDs) and maps shall be the basic data and information that will be used as reference material by the Regional Assessment and Delineation Teams (RADT), the Regional Assessment and Delineation Committee (RADC), and the National Assessment and Delineation Committee created under DENR DAO No.2008-24 in undertaking the validation, assessment and delineation process/activity..
- b) All completed assessment and delineation reports for a given province which are found to be in order by both the Regional and National Assessment and Delineation Committees shall be endorsed to the National Review and Evaluation Committee as created herein to be headed by the DENR Secretary for its final approval.
- c) The same process shall be followed for other provinces with on-going assessments and delineation activities until such time that all the boundaries of forestlands of the whole country shall have been delimited: Provided That all assessments, validations and delineations shall be completed not later than one (1) year after the passage of this Act.

SECTION 6- Creation of the National Review and Evaluation Committee- In recognition of the Constitutional mandate as embodied in Section 4, Article XII thereof, and in view of the urgent need to fast track the establishment of the permanent limits of the forestlands of the country as it affects the national interest, a National Review and Evaluation Committee is hereby created to process, evaluate and approve all completed assessment and delineation reports referred to in the immediately preceding Section. The Committee, in its evaluation and approval of the said reports, shall adhere strictly to existing established laws, policies, rules, regulations and guidelines pertinent thereto.

The Committee shall be composed of the following:

- a) Secretary of the Department of Environment and Natural Resources- Chairman
- b) Secretary/Director General of the National Economic and Development Authority- Vice Chairman
- c) Secretary of the Department of Interior and Local Government- Member
- d) Secretary of the Department of Agriculture- Member
- e) Secretary of the Department of Agrarian Reform- Member

Upon approval of the assessment and delineation reports as herein specified, the Committee shall submit the same to Congress which shall thereafter form part of its official records. The assessment and delineation reports as approved by the Committee shall be adopted as constituting the final boundaries of the forestlands covered by the said report.

SECTION 7- Demarcation and Delimitation of Final Forestland Boundary- Immediately after the final forest line has been determined following the guidelines prescribed in Section 5 hereof, the DENR shall delimit and establish the permanent boundary monuments on the ground.

SECTION 8- Permanency of the Specific Forest Limits- The permanent forestlands established pursuant to this Act shall be conserved and may not be increased nor diminished except by law. The DENR, in coordination with all agencies and branches of government shall ensure that the forest cover and other resources therein shall be protected and enhanced.

SECTION 9- Monitoring, Evaluation, and Reporting System- To attain the objectives of this Act, a field monitoring, evaluation and reporting system shall be adopted by the DENR Secretary to regularly keep track of the state of the country's forestlands after their delimitation. Toward this end, at the opening of each session of Congress, the DENR shall submit a report to the President on the status of the forestlands for transmission to Congress.

SECTION 10- Creation of an Adjudication Board to Resolve Controversies on Land Conflicts/Adverse Claims - A Land Conflict Adjudication Board is hereby created to resolve controversies arising from boundary conflicts and adverse claims as a result of the delimitation of forestlands pursuant to this Act. The Board shall be composed of the following:

The Secretary of Justice as Chairman

Members:

- a) Representative from the Integrated Bar of the Philippines (IBP)
- b) Administrator, Land Registration Authority (LRA)
- c) Representative from a reputable College of Forestry
- d) Representative from the private sector

The Board shall have the following powers and functions:

1. Adjudicate cases on land conflicts and adverse claims brought before it for resolution;
2. Summon witnesses, administer oaths, take testimony and require submission of reports;
3. Compel production of books and documents answers to interrogatories; and
4. Issue subpoena duces tecum, writs of possession, writs of execution, and other writs to enforce its orders and decisions.

SECTION 11- Implementing Rules and Regulations- Within three (3) months from the effectivity of this Act, the DENR Secretary shall issue the corresponding Implementing Rules and Regulations for the effective implementation of this Act.

SECTION 12- Appropriations- The Congress shall appropriate funds necessary to delimit and establish the permanent boundary monuments on the ground as mandated in Section 7 hereof.

SECTION 13- Separability Clause- If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SECTION 14 -Repealing Clause- All laws, decrees, letters of instruction, executive orders, rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 15- Effectivity- This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.