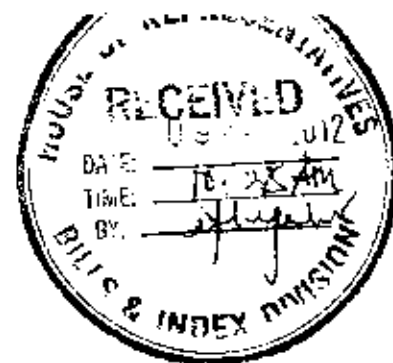


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session



COMMITTEE REPORT NO. 2148

09 MAY 2012

Submitted by the Committee on Agriculture and Food on _____

Re: House Bill No. **3131**

Recommending its approval in substitution of House Bill Nos. 3515, 3864, and House Resolution No. 1689

Sponsors: Representatives Mark Llandro L. Mendoza, Danilo E. Suarez and Sharon S. Garin

Mr. Speaker:

The Committee on Agriculture and Food to which were referred House Bill No. 3515, introduced by Representative Danilo E. Suarez, entitled:

AN ACT AMENDING SECTIONS 5 AND 8 REPUBLIC ACT NO. 8048, ALSO KNOWN AS THE COCONUT PRESERVATION ACT OF 1995;

and House Bill No. 3864, introduced by Representative Sharon S. Garin, entitled:

AN ACT AMENDING SECTIONS 4, 5 AND 8 REPUBLIC ACT NO. 8048, ALSO KNOWN AS THE COCONUT PRESERVATION ACT of 1995;

and House Resolution No. 1689, introduced by Representative Danilo E. Suarez, entitled:

RESOLUTION URGING THE PHILIPPINE COCONUT AUTHORITY TO SEASONALLY RESTRICT THE GRANTING OF PERMITS TO CUT COCONUT TREES FROM OCTOBER TO DECEMBER OF EACH YEAR ONLY

has considered the same and recommends that the attached House Bill No. **3131** entitled:

AN ACT PROVIDING FOR STIFFER PENALTIES FOR THE UNAUTHORIZED CUTTING OF COCONUT TREES, GRANTING POLICE POWERS TO THE PHILIPPINE COCONUT AUTHORITY (PCA), AMENDING FOR THE PURPOSE REPUBLIC ACT 8048, OTHERWISE KNOWN AS THE COCONUT PRESERVATION ACT OF 1995

be approved in substitution of House Bill Nos. 3515 & 3864 and House Resolution No. 1689 with Representatives Danilo E. Suarez and Sharon S. Garin, Mark Llandro L. Mendoza, Cesar V. Sarmiento, Alfredo A. Garbin Jr., Abigail Faye C. Ferriol, Fernando V. Gonzales, Salvio B. Fortuno, Antonio A. Ferrer, Guillermo A. Romarate, Jr., Cresente C. Paez, Francisco T. Matugas, Pryde Henry A. Teves, Mariano U. Piamonte, Jr., Jesus N. Saedaian, Jocelyn S. Limkaichong,

Rodel M. Batocabe, Josefina M. Joson, Florencio C. Garay, Elmer E. Panotes, Rodolfo G. Valencia, Angelo B. Palmones, Pedro P. Romualdo, Rogelio M.D. Espina, Jr., Isidro T. Ungab, Eulogio R. Magsaysay, Nancy A. Catamco, Ma. Victoria R. Sy-Alvarado, Luzviminda C. Ilagan, Maria Carmen Zamora-Apsay, Christopher S. Co, Reena Concepcion G. Obillo, Isidro Q. Lico, Ben P. Evardone, Pangalian M. Balindong, Roger G. Mercado, Rene L. Relampagos, Eduardo R. Gullas, Jose Ping-ay, Solaiman C. Pangandaman, Pedro B. Acharon, Jr., Nicenor M. Briones, Salvador P. Cabaluna III, Agapito H. Guanlao as authors thereof.

~~Respectfully submitted,~~

REP. MARK LLANDRO L. MENDOZA
Chairman
Committee on Agriculture and Food



Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

Fifteenth Congress

Second Regular Session

HOUSE BILL NO. 5131

Introduced by Representatives Danilo E. Suarez, Snaron S. Garin, Mark Llandro L. Mendoza, Cesar V. Sarmiento, Alfredo A. Garbin Jr., Abigail Faye C. Fernol, Fernando V. Gonzales, Salvio B. Fortuno, Antonio A. Ferrer, Guillermo A. Romarate, Jr., Cresente C. Paez, Francisco T. Matugas, Pryde Henry A. Teves, Mariano U. Piamonte, Jr., Jesus N. Sacdalan, Jocelyn S. Limkaichong, Rodel M. Batocabe, Josefina M. Joson, Florencio C. Garay, Elmer E. Panotes, Rodolfo G. Valencia, Angelo B. Palmones, Pedro P. Romuaido, Rogelio M.D. Espina, Jr., Isidro T. Ungab, Eulogio R. Magsaysay, Nancy A. Caramco, Ma. Victoria R. Sy-Alvarado, Luzviminda C. Ilagan, Maria Carmen Zamora-Apsay, Christopher S. Co, Reena Concepcion G. Obillo, Isidro Q. Lico, Ben P. Evardone, Pangalian M. Balindong, Roger G. Mercado, Rene L. Reampagos, Eduardo R. Guilas, Jose Ping-ay, Solaiman C. Pangandaman, Pedro B. Acharon, Jr., Nicamor M. Briones, Salvador P. Cabaluna III, Agapito H. Guanlao

AN ACT

PROVIDING FOR STIFFER PENALTIES FOR THE UNAUTHORIZED CUTTING OF COCONUT TREES, GRANTING POLICE POWERS TO THE PHILIPPINE COCONUT AUTHORITY (PCA), AMENDING FOR THE PURPOSE REPUBLIC ACT 8048, OTHERWISE KNOWN AS THE COCONUT PRESERVATION ACT OF 1995

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

1 SECTION 1. Section 4 of Republic Act 8048, also known as the "Coconut Preservation Act of
2 1995" is hereby amended to read as follows:

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

- 5 a.) When the tree is 60 years old;
6 b.) When the tree is no longer economically productive;
7 c.) When the tree is disease-infested;
8 d.) When the tree is damaged by typhoon or lightning;
9 e.) When the agricultural land devoted to coconut production shall
10 have been converted in accordance with law into residential,
11 commercial, or industrial areas;

1 f.) When the land devoted to coconut production shall be converted
2 into other agricultural uses or other agriculture-related activities in
3 pursuance to a conversion duly applied for by the owner and
4 approved by the proper authorities; *Provided*, That no conversion
5 shall be allowed by the PCA until after it shall have been verified and
6 certified that for a period of at least three (3) years the majority of
7 the coconut trees have become senescent and economically
8 unproductive or where the coconut farm is not adaptable to sound
9 management practices on account of geographical location,
10 topography, drainage and other conditions rendering the farm
11 economically unproductive.

12 g.) When the tree would cause hazard to life and property;

13 **THE ABOVE-MENTIONED ACTS, HOWEVER, CAN ONLY BE DONE**
14 **DURING THE MONTHS OF OCTOBER, NOVEMBER, AND DECEMBER.**
15 [No other causes] Other than [those abovementioned] these cases,
16 **NO OTHER CAUSE** shall be considered as a valid ground for cutting.”
17

18 SECTION 2. Section 5 of Republic Act 8048 is hereby amended to read as follows:

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

22 The applicant shall pay an application fee in the amount of
23 [Twenty-five pesos (P 25.00)] **ONE HUNDRED PESOS (P100.00)** for
24 every tree intended to be cut payable to the PCA. [Ten pesos] **FORTY**
25 **PESOS (P40.00)** of the fee shall accrue in favor of the PCA. [Ten pesos
26 (P10.00)] **FORTY PESOS (P40.00)** in favor of the municipal
27 government concerned, and [five pesos (p 5.00)] **TWENTY PESOS**
28 **(P20.00)** in favor of the barangay unit concerned. The fees
29 **ALLOCATED TO THE PCA** shall be used for [the PCA’s] **ITS** replanting
30 program and **THE FEES ALLOCATED TO THE MUNICIPAL**
31 **GOVERNMENT SHALL BE USED** for the repair and rehabilitation of
32 roads of the respective local government units which have been
33 damaged by the passage of heavy vehicles used for transporting
34 coconut lumber, **AND OF MUNICIPAL FARM TO MARKET ROADS.**

35 **FEES HEREIN COLLECTED SHALL BE DEPOSITED WITH THE**
36 **NEAREST LAND BANK OF THE PHILIPPINES BRANCH OR OTHER**
37 **GOVERNMENT DEPOSITORY BANK. FEES ACCRUING TO THE LOCAL**
38 **GOVERNMENT UNIT SHALL BE REMITTED WITHIN THREE MONTHS**
39 **IN ACCORDANCE WITH EXISTING COA RULES AND REGULATIONS.**

40 No permit to cut shall be granted unless the applicant [in
41 coordination with the PCA and the local government unit concerned]
42 **HAS SECURED FROM THE BARANGAY CAPTAIN OF THE LOCALITY**
43 **WHERE THE CUTTING WILL BE DONE, A CERTIFICATION UNDER**
44 **OATH THAT HE/SHE** has already planted the equivalent number of
45 coconut trees applied for to be cut.
46

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

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

10 **SECTION 3.** A new section is hereby added after Section 6, to be designated as
11 Section 7, to read as follows:

12 **"Section 7. POLICE POWERS -- THE PCA SHALL BE VESTED**
13 **WITH THE AUTHORITY TO EXERCISE DULY DELEGATED POLICE**
14 **POWERS FOR THE PROPER PERFORMANCE OF ITS FUNCTIONS AND**
15 **DUTIES, TO WIT:**

16 **A.) INVESTIGATE SUSPECTED VIOLATIONS OF THIS ACT;**
17 **B.) ARREST AND APPREHEND ANY PERSON ACTUALLY COMMITTING**
18 **OR ATTEMPTING TO COMMIT AN OFFENSE UNDER THIS ACT;**
19 **C.) ARREST AND APPREHEND POSSESSOR OF COCONUT LUMBER**
20 **WITHOUT THE NECESSARY PERMIT AS REQUIRED UNDER THIS ACT;**
21 **D.) SEARCH AND SEIZE A MOVING VEHICLE WITH ILLEGALLY CUT,**
22 **GATHERED, COLLECTED, OR REMOVED COCONUT LUMBER:**
23 **PROVIDED, THAT PROBABLE CAUSE FOR THE SEARCH IS**
24 **ESTABLISHED;**
25 **E.) STOP THE TRANSPORT AND/OR SHIPMENT OF COCONUT**
26 **LUMBER WITHOUT AUTHORITY OR WITHOUT LEGAL DOCUMENTS**
27 **IN ACCORDANCE WITH PERTINENT LAWS, REGULATION OR POLICIES**
28 **ON THE MATTER;**
29 **F.) CONFISCATE AND FORFEIT IN FAVOR OF THE GOVERNMENT THE**
30 **ILLEGALLY CUT, GATHERED, COLLECTED, REMOVED, POSSESSED OR**
31 **ABANDONED COCONUT LUMBER, AS WELL AS THE MACHINERY,**
32 **EQUIPMENT, IMPLEMENTS, AND TOOLS ILLEGALLY USED IN THE**
33 **COMMISSION OF THE OFFENSE AND TO DISPOSE OF THE SAME IN**
34 **ACCORDANCE WITH PERTINENT LAWS, REGULATION OR POLICIES**
35 **ON THE MATTER; AND**
36 **G.) SEEK THE ASSISTANCE OF OTHER LAW ENFORCEMENT AGENCIES**
37 **FOR THE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF THIS**
38 **ACT."**

39 **SECTION 4.** Section 7 of Republic Act 8048, to be designated as Section 8,
40 is hereby amended to read as follows:

41 **"Sec. 8 Implementing Rules.** The Philippine Coconut Authority
42 shall be the lead agency to implement the provisions of this Act. For
43 this purpose, the Philippine Coconut Authority shall prescribe the
44 necessary rules and regulations for the immediate and effective
45 implementation of this Act.

46 The PCA, in order to effectively implement the provisions of
47 this Act, may request the assistance of any local government unit, to

1 monitor and ensure compliance with this Act including its
2 implementing rules and regulations. For this purpose, the PCA may
3 deputize the Philippine National Police or other law enforcement
4 agencies to investigate and apprehend those caught violating the
5 provisions of this Act, including the confiscation of illegally cut
6 coconut trees. **IN ORDER TO PREVENT WASTAGE, THE PCA SHALL**
7 **ORDER THE IMMEDIATE DISPOSITION OF CONFISCATED COCONUT**
8 **LUMBER IN A MANNER TO BE DETERMINED BY THE PCA.**

9 In addition to the foregoing, the PCA shall also, in
10 coordination with the local government unit concerned, require the
11 registration of all sawmills, lumberyards, coconut wood dealers and
12 other persons or entities dealing in the processing, sawing of coconut
13 trees."

14 SECTION 5. Section 8 of Republic Act 8048, to be designated as Section 9, is
15 hereby amended to read as follows:

16 "Sec. 9. *Penalties* - Those found guilty of violating this Act or any rules
17 and regulations issued pursuant hereto shall, upon conviction, be
18 punished by imprisonment of not less than [one (1) year] **TWO (2)**
19 **YEARS** but not more than six (6) years, or a fine of not less than [Fifty
20 thousand pesos (P 50,000.00)] **ONE HUNDRED THOUSAND PESOS**
21 **(P100,000)** but not more than Five Hundred Thousand Pesos
22 (P500,000) or both in the discretion of the court.

23 if the offender is a corporation or a judicial entity, the official
24 who ordered or allowed the commission of the offense shall be
25 punished with the same penalty

26 **UPON VERIFICATION BY THE PCA THAT NO REPLANTING WAS**
27 **DONE, THE BARANGAY CAPTAIN WHO ISSUED THE CERTIFICATION**
28 **SHALL, UPON CONVICTION, BE PENALIZED WITH IMPRISONMENT OF**
29 **NOT LESS THAN THREE (3) YEARS BUT NOT MORE THAN SEVEN (7)**
30 **YEARS AND A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND**
31 **PESOS (P100,000) BUT NOT MORE THAN ONE MILLION PESOS**
32 **(P1,000,000). FURTHERMORE, THE BARANGAY CAPTAIN**
33 **CONCERNED SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING**
34 **ANY OTHER PUBLIC OFFICE.**

35 The succeeding sections shall be re-numbered accordingly.

36 SECTION 6. Separability Clause. - If any provision, or part hereof, is held invalid or
37 unconstitutional, the remainder of the law or the provision not otherwise affected
38 shall remain valid and subsisting.

39 SECTION 7. Repealing Clause - All laws, issuances or any part thereof inconsistent
40 with this Act are hereby repealed or modified accordingly.

41 SECTION 8. Effectivity Clause- This Act shall take effect after its publication in two
42 (2) newspapers of general circulation.

43 Approved,

FACT SHEET

House Bill No. 5131
(In substitution of House Bill Nos. 3515 & 3864
and House Resolution No. 1689)

AN ACT

PROVIDING FOR STIFFER PENALTIES FOR THE UNAUTHORIZED CUTTING OF COCONUT TREES, GRANTING POLICE POWERS TO THE PHILIPPINE COCONUT AUTHORITY (PCA), AMENDING FOR THE PURPOSE REPUBLIC ACT 8048, OTHERWISE KNOWN AS THE COCONUT PRESERVATION ACT OF 1995

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Committee Referral: **COMMITTEE ON AGRICULTURE AND FOOD**
Committee Chairperson: **HONORABLE MARK LLANDRO L. MENDOZA**

OBJECTIVES:

- To update and increase the permit fees collected from cutting coconut trees to reflect the effects of inflation, and to sustain funds for the meaningful replanting and replenishment program for cut trees.
- To equip the Philippine Coconut Authority (PCA) with police powers to fully and effectively implement Republic Act 8048.

KEY PROVISIONS:

- Increases the permit fee for cutting, from P25.00 to P100.00 per tree intended to be cut.
- Mandates the applicant to secure from the barangay captain a certification under oath that he has planted the equivalent number of coconut trees applied for to be cut.
- Mandates that the cutting of coconut trees shall be done only during the months of October, November and December.
- Grants police powers to the PCA to effectively implement the objectives of the law.