

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 869



Introduced by Honorable Danilo Ramon S. Fernandez

EXPLANATORY NOTE

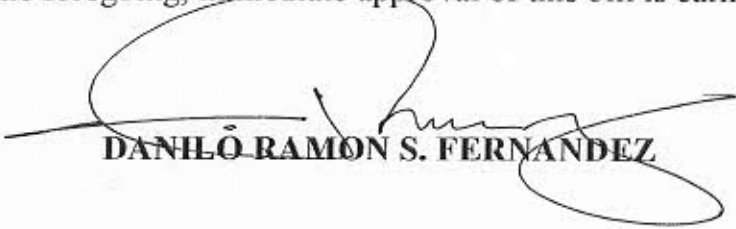
Section 16, Article II of the 1987 Constitution provides that:

"The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

In September 2009, several provinces in Luzon were plagued by widespread loss of lives and property caused by flash floods from unabated denudation of forests. One of the possible reasons for flash floods is forest degradation. Forests play significant roles in the lives of Filipinos. They are not only symbols of life but are source of life itself. It is for these reasons that our forest should be properly conserved and developed.

Despite a good number of forest conservation laws, lives and property continue to be under severe threat due to the fiscally irresponsible, unsustainable and devastating commercial logging activities of loggers, particularly the illegal ones. To preserve the country's dwindling forests and save the people from the deleterious effects of global warming, it is imperative to establish a total commercial log ban for a period of twelve (12) years and impose stiffer penalties for violations thereof.

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


DANILO RAMON S. FERNANDEZ

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AN ACT
PROTECTING THE FOREST BY BANNING ALL COMMERCIAL
LOGGING OPERATIONS, PROVIDING MECHANISMS FOR ITS
EFFECTIVE IMPLEMENTATION, AND IMPOSING PENALTIES FOR
VIOLATIONS THEREFOR

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 “*Total Commercial Log Ban Act.*”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The State shall promote, encourage and maximize the involvement of all sectors of society in the preservation of the country's forests. Towards this end, the State shall adopt a policy of a sustained management in the conservation, utilization and development of the country's forests by imposing a total commercial log ban, thereby attaining a sustainable ecosystem.

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) "*Agro-forestry*" refers to a sustainable management of land which increases over-all production by combining agricultural crops, fowls, farm animals and forest crops simultaneously or sequentially through the application of management practices in the interest of the local population;

(b) "*Commercial Logging*" refers to the cutting, felling or destruction of trees from old growth and residual forests for the purpose of selling or otherwise disposing of the cut or felled logs for profit;

(c) "*Communal Forest*" refers to a small tract of forest land set aside by the Secretary of Department of Environment and Natural Resources (DENR) upon the recommendation of the local government units for the use of the residents of the municipality or city;

(d) "*Flitch*" refers to a large piece of sawn log or that term commonly applied to a part of a log of greater thickness than a plank or board;

(e) "*Forest Charge*" refers to the money accruing to the government as payment on forest products cut in accordance with laws and regulations from the public forest for commercial purposes;

(f) "*Forest Conservation*" refers to the program which embodies the perpetuation of the productivity of forest resources through the proper utilization of forest lands and forest products and the maintenance of harmonious relationship among the various components of the forest ecosystem;

(g) "*Forestation Contract*" refers to an agreement executed by and between any qualified contractor and the DENR designed to accelerate reforestation and afforestation of open and denuded lands of the public domain;

(h) “*Forest Lands*” refer to the areas which have been designated permanent forests, forest reservations, protection forests, wilderness areas, communal forests and industrial tree plantations. The designation or classification applies even during periods when the area is temporarily without forest cover;

(i) “*Kaingeros*” refers to upland farmers who practice slash-and-burn or shifting cultivation;

(j) “*Log or Timber*” refers to wood of any species with an average diameter of 15 centimeters and at least 1.5 meters long, except mangrove species which in all cases shall be considered timber, regardless of size; and

(k) “*Squared Timber*” refers to any log with its slabs hewn or sawn off by an ax, bolo or saw.

SEC. 4. ***Commercial Log Ban.*** – It is unlawful for any person to indiscriminately cut, fell or destroy any tree from old growth and residual forests for the purpose of selling or otherwise disposing of the cut or felled logs for profit.

The commercial log ban shall be for a period of twelve (12) years from the effectivity of this Act. The issuance of timber license agreements (TLAs) or integrated forest management agreements (IFMAs) or similar issuances is hereby prohibited. All existing timber license agreements, integrated forest management agreements, licenses, or permits are hereby cancelled upon the effectivity of this Act. Upon expiration of the ban, the commercial utilization of forests shall be allowed through production sharing agreement, joint venture or co-production with the government.

SEC. 5. ***Exemptions.*** – Infrastructure projects of the government and

public utilities where tree cutting cannot be avoided, such as the construction of a road right-of-way, the development of mineral reservations and the like shall not be covered by this Act.

SEC. 6. *Forest Management Council.* – There shall be established a Forest Management Council, in every province, hereinafter referred to as Forest Council. It shall be composed of the following:

- (a) Provincial Environment and Natural Resources Officer of the DENR, as Chairman;
- (b) Provincial Environment and Natural Resources Officer of the local government unit, as co-chairman;
- (c) City or Municipal Environment and Natural Resources Officer;
- (d) Representative from the indigenous communities;
- (e) Representative from the local timber manufacturers or industries; and
- (f) Two (2) representatives from non-governmental and people's organizations, as members.

The Office of the Provincial Environment and Natural Resources Officer of the DENR shall provide technical and administrative assistance to the Forest Council in the performance of its duties.

SEC. 7. *Powers and Functions.* – Subject to review by the Secretary of Environment and Natural Resources, the Forest Council shall exercise the following powers and functions:

- a) Design and implement integrated social forestry programs, community forestry programs and other people oriented forestry programs for local residents,

particularly displaced workers of existing commercial logging operations and wood processing plants, living within and around forest lands not otherwise declared as reservation or forest parks;

- b) Establish nurseries for tree seedlings;
- c) Approve, renew or cancel forestation contracts;
- d) Facilitate access to credit for purposes of the forestation contracts, social forestry, communal forests and other similar projects;
- e) Undertake reforestation programs in concession areas covered by cancelled or expired TLAs and IFMAs to raise the forest cover therein by at least eighty (80%) percent within three (3) years from the effectivity of this Act;
- f) Encourage local government units to establish, in coordination with the geographically adjacent local governments, mini-forests, nature parks and greenbelts by lining roads and bodies of water with trees and other similar projects;
- g) Promote and undertake co-production, joint venture or production sharing schemes with local residents who have organized themselves into cooperatives;
- h) Provide tribal communities with preferential rights in the utilization and development of forest resources within the metes and bounds of their ancestral lands;
- i) Deputize local government officials and local residents to assist in the forest protection, including but not limited to, arresting illegal loggers, poachers, kaingeros and land speculators within their communities;
- j) Set aside an area of not less than five hundred (500) hectares of public lands for the establishment of communal forests, without prejudice to expropriation

proceedings in case of inadequacy of public lands, which shall be utilized to supply the fuel and shelter requirements of the communities;

k) Conduct a nationwide information campaign on the benefits derived from forests and ill effects of indiscriminate logging and kaingin; and

l) Perform such other powers and functions as prescribed by law.

SEC. 8. *Incentives.* – In order to ensure supply of logs or timber for local manufacturers and industries, imported logs, machineries and equipment shall be exempt from tariff and customs duties.

SEC. 9. *Rewards.* – The Forest Council shall establish an information reward system as part of the community participation in forest conservation. In cases where the information given lead to the seizure of logs or timber, squared timber or flitches, the informer shall be entitled to twenty (20%) percent of the proceeds of the seized logs or timber, squared timber and flitches in a public bidding which shall be payable within three (3) days after full payment by the highest bidder.

SEC. 10. *Monitoring and Evaluation.* There shall be created a Monitoring and Evaluation Team which shall be tasked to perform a periodic monitoring and evaluation on the extent and condition of the natural forests in a region. It shall be composed of the following:

- a) Regional Director of the Regional Environment and Natural Resources Office of the DENR, as chairman;
- b) Representative from the Regional Environment and Natural Resources Office of the DENR, as co-chairman;
- c) Chairman of the Committee on Environment and Natural Resources of

the Sangguniang Panlalawigan;

- d) Representative from the non-governmental organization whose office is located in the capital city of a region; and
- f) Representative from the academe of a school or university situated in the capital city of a region.

The Office of the Regional Director of the Regional Environment and Natural Resources, DENR shall render technical and administrative assistance to the Monitoring and Evaluation Team in the performance of its duties.

To further ensure the sustainability of the natural forests, the Secretary of the DENR shall engage at least every five (5) years a private firm of foresters to re-evaluate the results prepared by the Monitoring and Evaluation Team.

SEC. 11. ***Prohibited Acts.*** – The following shall constitute prohibited acts:

- a) Indiscriminate cutting, felling or destruction of trees in natural forests for commercial logging purposes or for fuelwood or charcoal making for commercial purposes;
- b) Creation of fictitious associations or cooperatives in order to avail of the benefits of the social forestry program;
- c) Possession of illegally cut logs, timber, squared timber or flitches; and
- d) Transport of illegally cut logs, timber, squared timber, or flitches from a natural forest to elsewhere, which shall be considered a *prima facie* evidence of commercial logging operation.

The offenses herein mentioned shall not be subject to the Probation Law.

SEC. 12. ***Fines and Penalties.*** – Any person who violates paragraphs (a)

and (d) of Section 11 hereof shall be punished with *reclusion perpetua*; violation of paragraph (b) shall be punishable by *prision mayor*; and violation of paragraph (c) shall be punishable by *reclusion temporal*. The prison terms mentioned under Chapter IV of Presidential Decree No. 705, as amended, are hereby increased by one degree higher. The indeterminate sentence law shall not be applicable to these offenses.

The machineries, equipment, tools, vehicles and vessels used in committing prohibited acts, except paragraph (b) of this Act including the illegally cut, possessed, and transported logs or timbers, squared timbers or flitches, charcoal or fuelwood shall be confiscated in favor of the government. They shall be disposed of in accordance with applicable rules and regulations. The offenders shall likewise be penalized by a fine of not less than ten (10) times the value of the timber, flitches, charcoal or fuelwood illegally cut for commercial purposes found in their possession at the time of the apprehension.

If the offense is committed by a corporation, association, partnership or any juridical person, its license, permit or certificate of registration shall be cancelled. Furthermore, the penalty provided herein shall be imposed upon the responsible officers, who ordered the cutting, felling, destruction, possession and transportation of forest products or caused the creation of fictitious associations or cooperatives. The people so ordered to do or who committed said prohibited acts shall be punished by a penalty one grade lower than the penalty herein prescribed.

If the offender is an alien, he shall be deported after full service of his sentence, without further proceedings in the Bureau of Immigration.

If the offender is a natural person found to be economically disadvantaged, or of low education, or the trees he has illegally cut, possessed or transported are not of commercial quantity, and has not used any sophisticated tools or equipment such as a chainsaw in committing the violation, and is found to be a first offender, the court, in its discretion, may consider such facts in mitigation of the offense.

SEC. 13. *Implementing Rules and Regulations.* – The Secretary of the Environment and Natural Resources shall, within sixty (60) days from the effectivity of this Act, formulate and issue the implementing rules and regulations necessary for the effective implementation of this Act.

SEC. 14. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged to the appropriations of the DENR. Thereafter, such sum as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 15. *Funds Accruing to the National Treasury.* – All fines and penalties collected pursuant to Section 12 of this Act, forest charges, and other income derived from the utilization of forest products shall accrue to the National Treasury.

SEC. 16. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 17. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,