

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th CONGRESS
First Regular Session

HOUSE BILL NO. 2041



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

Section 4, Article XII of the 1987 Constitution states that *"The Congress shall, as soon as possible, determine by law, the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. The Congress shall provide, for such period as it may determine, measures to prohibit logging in endangered forests and watershed areas"*.

Based on the 2001-2003 satellite imageries reported out by the National Mapping and Resource Information Authority (NAMRIA), the Philippines has an estimated total forest cover of 7.168 million hectares or 24.27% of the country's total land area.

The actual size of the forest lands cannot be accurately measured due to lack of appropriate demarcations on the ground which later resulted to incorrect land use and management.

In this light, this bill delineating the specific limits of forest lands is being filed to conserve, protect and develop the forest resources of the country and to attain ecological balance, preserve valuable ecosystems, prevent environmental degradation and promote sustainable development for the present and future generations.

I submit.


EVELINA G. ESCUDERO



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

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

1 **SECTION 1. Short Title.** – This Act shall be known and cited as the “*Final Forest*
2 *Limits Act*”.

3
4 **SEC. 2. Declaration of Policy.** – It is the policy of the State to conserve, protect and
5 develop the forest resources of the country in order to attain ecological balance,
6 preserve valuable ecosystems, prevent environmental degradation and promote
7 sustainable development for the present and future generations. To achieve these ends,
8 Section 4 of Article XII of the 1987 Constitution mandates Congress to determine by law
9 the specific limits of forestlands and national parks marking clearly their boundaries on
10 the ground.

11
12 **SEC. 3. Definition of Terms.** – For purposes of this Act, the following terms shall
13 mean:

14
15 (a) *Agricultural lands* refer to alienable or disposable lands of the public
16 domain which have been the subject of the land classification system and declared as
17 not needed for forest purposes;

18
19 (b) *Delimitation survey* refers to the establishment of land classification
20 boundaries, and the monumenting thereof following ground survey;

21
22 (c) *Delineation* refers to the conduct of site investigation, field reconnaissance
23 and assessment, and staking of boundaries between forest lands, national parks and
24 agricultural lands verified in the field in accordance with the criteria set forth under
25 Department of Environment and Natural Resources Administrative Order No. 2008-24;

26
27 (d) *Forest* refers to an ecosystem or an assemblage of ecosystems dominated
28 by trees and other woody vegetation; a community of plants and animals interacting
29 with one another and its physical environment;

30
31 (e) *Forest lands* refer to all lands of the public domain already classified as forest
32 land as per existing land classification maps issued by the Department of Environment
33 and Natural Resources (DENR) including all permanent forest reserves proclaimed as

1 such by the President or declared by law, and such areas within the unclassified lands
2 of the public domain that were assessed and delineated by the DENR in accordance
3 with pertinent laws, rules and regulations;

4
5 (f) *Production forest* refers to a forest area designated primarily for production
6 of wood, fiber, bio-energy and/or non-wood forest products;

7
8 (g) *Protected Area* refers to identified portions of land and/or water set aside by
9 reason of their unique physical and biological significance, managed to enhance
10 biological diversity and protected against destructive human exploitation.

11
12 (h) *Protection forest* refers to a forest whose value lies in the regulating of stream
13 flow and the preventing of erosion and avalanches rather than in its timber;

14
15 (i) *Protection forestlands* refer to all areas within the forestlands devoted primarily
16 for the protection, conservation of forest resources to ensure environmental stability,
17 conservation of biological diversity, improvement of ecosystem functions and services,
18 and provision of ecological and economic benefits shall constitute the protection
19 forestlands. All mossy and primary/old growth forests and natural beach, key
20 biodiversity areas, areas regardless of slope and vegetation cover which are highly
21 erodible or too rocky for establishment of either production forests, developed for the
22 principal objectives of establishing vegetative cover to prevent erosion, conserve water
23 and nurture wildlife, freshwater, swamps, and marshes, all areas along the bank of the
24 rivers and streams, and the shores of the seas and lakes throughout their entire length
25 and within the zone of three (3) meters in urban areas, twenty (20) meters in
26 agricultural areas, and forty (40) meters in forest areas, along their margins which are
27 subject to the easement of public use in the interest of recreation, settlements,
28 navigation, floatage, fishing and salvage shall also be sub-classified as protection
29 forestlands. Cutting and mining are banned in these protection forestlands: *Provided,*
30 That the provisions of the IPRA Law and NIPAS Act shall be respected.

31
32 (j) *Tenured migrant* refers to forest occupants who have actually and continuously
33 occupied a portion of the forest and is solely dependent therein for subsistence. A forest
34 occupant is understood to be "solely dependent for subsistence" when everything
35 indispensable for survival for the household, including food, clothing, shelter and
36 health, comes only from the utilization of resources from the forest.

37
38 **SEC. 4. *What Constitutes the Forest Lands.*** – The following shall constitute the
39 forest lands, to wit:

40
41 (a) all lands of the public domain already classified as forest land as per
42 existing land classification maps issued by the DENR;

43 (b) all permanent forest reserves proclaimed as such by the President or
44 declared by law; and

45 (c) such areas within the unclassified lands of the public domain that were
46 assessed and delineated by the DENR in accordance with pertinent laws, rules and
47 regulations and which may hereafter be classified as forest land by the DENR.

48
49 **SEC. 5. *Guidelines in Determining the Specific Limits of Forest Lands.*** – The following
50 guidelines and procedures shall be followed in determining the specific limits of forest
51 lands in the country:

(a) The previously-established Land Classification (LC) 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 in undertaking the validation, assessment and delineation process.

(b) All completed assessment and delineation reports for a given province shall be endorsed to the National Review and Evaluation Committee as created herein to be headed by the Secretary of the DENR for 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 forest lands 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.

SEC. 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 establish the permanent limits of the forest lands of the country, 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 DENR as Chairman;
- (b) Secretary of the Socioeconomic Planning and Director-General of the National Economic and Development Authority as Vice-Chairman;
- (c) Secretary of the Department of Interior and Local Government (DILG) as Member;
- (d) Secretary of the Department of Agriculture (DA) as Member;
- (e) Secretary of the Department of Agrarian Reform (DAR) as Member;
- (f) **Chairman of the Housing and Urban Development Coordinating Council (HUDCC) as Member; and**
- (g) **Chairman of the National Commission on Indigenous Peoples (NCIP) as Member; and**
- (h) **President of the League of Provinces of the Philippines as 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 forest lands covered by the said report.

SEC. 7. *Demarcation and Delimitation of Forest Land Boundary.* – Immediately after the 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.

SEC. 8. *Permanency of the Specific Forest Limits.* -- The permanent forest lands established pursuant to this Act shall not be diminished nor reduced except by an act of Congress. The DENR, in coordination with all agencies and branches of government, shall see to it that the forest cover and vegetation therein shall be protected, preserved and enhanced.

1 **SEC. 9. *Sub-classification of the Permanent Forest Lands.*** – The permanent
2 forest lands shall be further sub-classified as follows: (a) protection forests; and (b)
3 production forests.
4

5 After due consultation with the local government units (LGUs), concerned
6 communities, and other stakeholders, the DENR shall undertake the sub-
7 classification of the permanent forest lands.
8

9 **SEC. 10. *Recognition of the Rights of the Indigenous Cultural Communities/Indigenous***
10 *Peoples and Tenured Migrant Communities.* – In the ground delineation of the permanent
11 forest limits, the occupation by indigenous cultural communities/indigenous peoples
12 and tenured migrants shall be recognized and respected consistent with the provisions
13 of Republic Act No. 7160 or the Local Government Code of 1991, Republic Act No. 8371
14 or the Indigenous Peoples Rights Act (IPRA) of 1997, and Presidential Decree No. 705,
15 as amended, or the Forestry Code of 1975.
16

17 **SECTION 11. *Accessibility of Record to the Public.*** – All records and information
18 pertaining to the specific forest limits delineated pursuant to this Act shall be made
19 available to all local government units (LGUs), other government agencies, and to the
20 general public.
21

22 **SECTION 12. *Implementing Rules and Regulations.*** – Within three (3) months from
23 the effectivity of this Act, the Secretary of the DENR shall issue the corresponding
24 Implementing Rules and Regulations for the effective implementation of this Act.
25

26 **SECTION 13. *Monitoring, Evaluation, and Reporting System.*** – To attain the
27 objectives of this Act, a field monitoring, evaluation, and reporting system shall be
28 adopted by the Secretary of the DENR to regularly keep track of the state of the
29 country's forest lands after their delimitation. Toward this end, at the opening of each
30 session of Congress, the DENR shall submit a report to the President on the status of the
31 forest lands for transmission to Congress.
32

33 **SEC. 14. *Creation of the Adjudication Board to Resolve Controversies on Land***
34 *Classification Conflicts.* – A Land Classification Conflict Adjudication Board, herein
35 referred to as the Board, is hereby created to resolve controversies arising from land
36 classification as a result of the delimitation of forest lands pursuant to this Act. The
37 Board shall be composed of the following:
38

- 39 (a) Secretary of the Department of Justice (DOJ) as Chairman;
40 (b) Administrator of the Land Registration Authority (LRA) as Member;
41 (c) Representative from the Integrated Bar of the Philippines (IBP) as Member;
42 (d) Representative from a reputable College of Forestry as Member; and
43 (e) Representative from the private sector as Member.
44

45 **SEC. 15. *Powers and Functions of the Adjudication Board.*** – The Board shall have the
46 following powers and functions:

- 47 (1) Adjudicate cases on land conflicts and adverse claim before it for resolution;
48 (2) Summon witnesses, administer oaths, take testimony and require submission
49 of reports;
50 (3) Compel production of books and documents and answers to interrogatories;
51 and
52 (4) Issue subpoena *duces tecum*, writs of possession, writs of execution and other
53 writs to enforce its orders and decisions.

1
2 In any proceeding before the Board, the Rules of Evidence prevailing in courts
3 of law or equity shall not be controlling and it is the spirit and intention of this Act
4 that shall govern. The Board shall use every and all reasonable means to ascertain the
5 facts in each case speedily and objectively and without regard to technicalities of law
6 or procedure, all in the interest of due process. In any proceeding before the Board,
7 the parties may be represented by legal counsel. The findings of fact of the Board
8 shall be conclusive and binding on the parties and its decision or order shall be final
9 and executory.

10
11 **SEC. 16. Appropriations.** – The Secretary of the DENR shall include in the
12 Department program the implementation of this Act, the initial funding of which shall
13 be charged against the current year's appropriations of the Department and thereafter
14 included in the annual General Appropriations Act.

15
16 Funds for the implementation of the provisions of this Act shall be supplemented
17 also from any available official development assistance (ODA) and from joint projects
18 between agencies of the Philippines and an assisting country.

19
20 Local government units shall also allocate counterpart funds to be taken from
21 their internal revenue allotment (IRA) and other LGU income for the delineation of the
22 forest limits within their respective territorial jurisdictions.

23
24 **SEC. 17. Separability Clause.** – If any portion of this Act is declared
25 unconstitutional, the same shall not affect the validity and effectivity of the other
26 provisions not affected thereby.

27
28 **SEC. 18. Repealing Clause.** – All laws, decrees, letters of instruction, executive
29 orders, rules and regulations and other issuances or parts thereof inconsistent with this
30 Act are hereby repealed or modified accordingly.

31
32 **SEC. 19. Effectivity.** – This Act shall take effect fifteen (15) days after its complete
33 publication in the *Official Gazette* or in two (2) newspapers of general circulation in the
34 Philippines.

35
36 *Approved,*
37
38