

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

SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **3578**



Introduced by REPRESENTATIVE MARIA LOURDES ACOSTA-ALBA

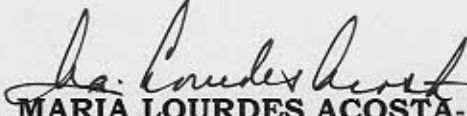
EXPLANATORY NOTE

One of the key legislative agenda of the Aquino administration under the Philippine Development Plan 2011-2016 is the passage of a permanent forestline bill. This policy intends to provide the specific boundaries limits of forestlands per province delineating areas in which no other land use may prevail.

This proponent is re-filing House Bill No. 5860 (as per Committee Report No. 1870), a consolidation of House Bills No. 2944 and 5112 previously filed by Reps. Rufus B. Rodriguez and Maximo B. Rodriguez, and Rep. Angelo B. Palmones, respectively, in the 15th Congress.

This measure puts flesh to the Constitutional mandate of providing for specific boundaries of forest and protected areas, with the objective of conserving and protecting these areas from further degradation. This measure establishes a National Review and Evaluation Committee to review, assess, and validate existing boundaries of forest lands, and shall recommend to Congress such boundaries.

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


MARIA LOURDES ACOSTA-ALBA
First District, Bukidnon

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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 House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. – This Act shall be known as the “Permanent Forest Limits Act of 2013”.

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, Article XII of the Constitution mandates Congress to determine, by law, specific limits of forest lands, marking clearly their boundaries on the ground. Such boundaries may not be increased, but not diminished, except by an Act of Congress.

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

(a) Agricultural land refers to alienable and disposable lands of the public domain devoted to or suitable for the cultivation of the soil; planting of crops; growing of fruit trees; raising of livestock; poultry, fish or aquaculture production; including the harvesting of such farm products; and other farm activities and practices performed in conjunction with such farming operations done by persons whether natural or juridical and not classified by law as mineral land, forest land, residential land, commercial land, or industrial land;

(b) Alienable and disposable lands of the public domain refers to lands of the public domain which have been delineated, classified, and certified as such and available for disposition under Commonwealth Act No.141, otherwise known as the “Public Land Act,” as amended;

(c) Delimitation Survey shall refer to the establishment of land classification boundaries, and the monumenting thereof following ground survey;

(d) Delineation shall refer to the conduct of site investigation, field reconnaissance and assessment, and staking of boundaries between forest lands, national parks, and agricultural lands verified in the field in accordance with the criteria set forth under Department of Environment and Natural Resources (DENR) Administrative Order No. 2008-24, or any of its successor policies;

(e) Forest Lands shall refer to all lands of the public domain already classified as forest land as per existing land classification maps issued by the 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;

(f) Protected Area shall refer 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. Guidelines in Determining Specific Limits of Forest Lands. – The following guidelines and procedures shall be followed in determining specific limits of forest lands in the country:

(a) 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 in undertaking validation, assessment, and delineation processes.

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

SECTION 5. Creation of the National Review and Evaluation Committee. – 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 strictly adhere to existing established laws, policies, rules, regulations, and guidelines pertinent thereto.

The Committee shall be composed of the following:

- (a) Secretary of the DENR, Chairman;
- (b) Socio-economic Planning Secretary/Director General of the National Economic Development Authority (NEDA), Vice Chairman;
- (c) Secretary of the Department of the Interior and Local Government, Member;
- (d) Secretary of the Department of Agriculture, Member;
- (e) Secretary of the Department of Agrarian Reform, Member; and
- (f) The Dean of the College of Forestry of the University of the Philippines, Member.

Upon approval of the assessment and delineation reports, 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 by Congress, through a joint resolution of both Houses, as constituting the final boundaries of the forest lands covered by the said report.

SECTION 6. Demarcation and Delimitation of Final Forest Land Boundary. – Immediately after the permanent forest line has been determined following the guidelines prescribed in Section 4 hereof, the DENR shall delimit and establish permanent boundary monuments on the ground.

SECTION 7. Permanency of the Specific Forest Limits. – The permanent forest lands established pursuant to this Act shall be conserved and shall not be increased nor diminished except by an Act of Congress. The DENR, in coordination with all concerned agencies and branches of government, shall ensure that the forest cover and other resources therein shall be protected and enhanced.

SECTION 8. Recognition of the Rights of Upland Dwellers. – Consistent with the provisions of Republic Act No. 7160 ("Local Government Code of 1991") and Republic Act No. 8371 ("Indigenous Peoples Rights Act of 1997"), the rights of the indigenous cultural communities and other upland dwellers shall be recognized and respected in the ground delineation of the permanent forest lines. Prior to the assessment and validation of the forest lines, the Committee shall consult with the affected indigenous cultural communities, as provided for in Republic Act No. 8371.

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 forest lands after their delineation. Towards this

end, at the opening of each session of Congress, the DENR shall submit a report to the President on the status of the forest lands for transmission to Congress.

SECTION 10. Creation of an Adjudication Board to Resolve Controversies on Land Conflicts and 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 forest lands pursuant to this Act. The Board shall be composed of the following:

- (a) Secretary of the Department of Justice, Chairman;
- (b) Representative from the Integrated Bar of the Philippines, Member;
- (c) Administrator of the Land Registration Authority, or any of its successor agency, Member; and
- (d) Representative from the private sector, Member: *Provided, however,* That the representative from the private sector shall be a disinterested person with no current or foreseeable interest in timber or forest-related industries.

The Board shall have the following powers and functions:

- (a) Adjudicate cases on land conflicts and adverse claims arising from the implementation of this Act brought before it for resolution;
- (b) Summon witnesses, administer oaths, take testimony, and require submission of reports;
- (c) Compel production of books and document answers to interrogations; and
- (d) Issue subpoena duces tecum, writs of possession, writs of execution, and other writs to enforce its orders and decisions.

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

SECTION 12. Congressional Oversight Committee on the Delineation of Permanent Forest Limits. – There is hereby created a Congressional Oversight Committee to oversee the implementation of this Act, composed of seven (7) members from the Senate Committee on Environment and Natural Resources, and seven (7) members from the House of Representatives Committee on Natural Resources.

The Congressional Oversight Committee shall be in existence for a period of five (5) years, and thereafter, its oversight functions shall be

exercised by the Senate Committee on Environment and Natural Resources, and the House of Representatives Committee on Natural Resources, acting separately. The secretariat of the Congressional Oversight Committee shall come from the Secretariat personnel of the committees of the Senate and the House of Representatives comprising the Congressional Oversight Committee.

SECTION 13. Appropriations. – The DENR Secretary shall include the implementation of this Act in the Department's expenditure program, the initial funding of which shall be charged against the current year's appropriations of the Department, and thereafter included in the annual General Appropriations Act.

Funds for the implementation of the provisions of this Act shall be supplemented from any available official development assistance, and from joint projects between agencies of the Republic of the Philippines and an assisting country.

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

SECTION 14. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the DENR Secretary shall issue the rules and regulations to implement the provisions of this Act.

SECTION 15. Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SECTION 16. Repealing Clause. – All other general and special laws, acts, decrees, executive orders, letters of instructions, proclamations and administrative regulation, or any part thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 17. Effectivity. This Act shall take effect fifteen (15) days after its complete publication in either the Official Gazette, or in two (2) newspapers of general circulation.

Approved,