

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5418



Introduced by **HON. RONALD M. COSALAN**

EXPLANATORY NOTE

The government spends billions of pesos for reforestation-- indicative of national and worldwide concern for and recognition of the urgency of maintaining the ecological balance and environmental protection of this planet.

Up to the present time, the main thrust of government's forest conservation and reforestation efforts is directed at the public domain. Yet considerable portions of forest-covered lands are ancestral lands of the indigenous cultural communities mostly located in mountainous terrain. Moreover, large areas of privately owned lands will continue to expand and increase in area as more and more portions of the public domain are brought under private ownership. Thus, it is time that the government's efforts at forest conservation and reforestation be likewise focused and directed to these ancestral lands and other privately-owned lands but in an effective and practical manner.

Forest denudation in the public domain as well as in ancestral and other privately-owned lands is a continuously ongoing activity for reasons already known to the public, most pernicious of which is logging and slash-and-burn system of agriculture. But for ancestral lands of indigenous cultural communities, forest denudation attributable to the members of the community themselves is being done for two main reasons: (a) As a matter of economic necessity and survival- With population ever on the rise and more mouths to feed, these people's only recourse is to clear more and more of the forested areas of their landholdings for agricultural purposes, however meager the produce, especially those located in mountainous terrain; and (b) Existing laws and government policies that do not recognize forest cover protected, maintained and preserved by the cultural community as "improvements" to evidence possession and occupation of the land. Consequently, forest covers are deliberately cut and cleared to introduce "improvements" consisting of clearings, kaingins, temporary terraces and plantings in order to have evidence of the land claimant's possession and occupation of the land.

To reverse this trend of forest denudation due to the above-mentioned two main reasons, forest conservation and maintenance of the forest cover in ancestral lands and reforestation of already denuded areas must be made economically beneficial to the land claimants or owners. In addition, maintained forest cover and reforestation must be legally recognized and considered as "improvements" to evidence possession and occupation of the

land. This economic benefit must be realizable in the short term because their need for economic sustenance is immediate, many of them living on a hand-to-mouth basis. Tree farming as presently packaged, while economically viable, is impracticable as far as many ancestral landowners are concerned since they have to wait for many years for the trees to mature to be of any economic help to them.

This bill seeks to provide immediate economic benefits to ancestral land claimants or owners by requiring the government to pay rentals for the use of these lands as forest cover and tree planting. The rental cost is pegged to what the government would spend if it were to reforest these lands and maintain its forest cover. As further incentive for the conservation of forest cover or reforestation of ancestral lands, this bill recognizes and considers them as evidence and proof of possession and occupation of the land. Another incentive provided for in this bill is exemption of forested portions of ancestral lands from payment of real estate taxes. All these provide not only incentives to help the government protect and maintain forest cover in the country but constitute government assistance to the underprivileged sector of our society to ensure their economic, social and cultural well-being as mandated by the Constitution.

Approval of this measure is earnestly requested.


HON. RONALD M. COSALAN
Representative
Lone District, Benguet Province (CAR)

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HOUSE BILL NO. **5418**

Introduced by **HON. RONALD M. COSALAN**

**AN ACT PROVIDING INCENTIVES FOR AND ENCOURAGE
CONSERVATION AND MAINTENANCE OF FOREST COVER AND
TREE PLANTING IN ANCESTRAL LANDS AND
FOR OTHER PURPOSES**

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

SECTION 1. *State Policy and Coverage of this Act* – It is the enduring policy of the state to enhance ecological balance and protection of the environment and towards this end, the government shall provide incentives for and encourage tree planting and the conservation and maintenance of existing forest cover not only in lands of the public domain but also on ancestral lands of members of indigenous cultural communities and other privately-owned lands. Ancestral lands of indigenous cultural communities under Constitutional mandate to be protected to ensure their economic, social and cultural well-being, are covered by this Act. Other lands claimed or owned as private property shall be governed by existing forestry and other applicable general laws and covered by ongoing government programs on forest conservation and environmental protection.

SECTION 2. *Lease of Natural Forest-Covered Ancestral Lands* – Individually or commonly owned ancestral lands of indigenous cultural communities with natural forest cover primarily used for and devoted to the preservation and maintenance of said existing forest cover and for such other purposes not inconsistent therewith, such as watershed, hunting and fishing grounds, communal forest and similar purposes, shall, with the consent of the claimants or owners, be leased by the government under the following terms and conditions:

- (a) That the land is ancestral land claimed or owned by members of an indigenous cultural community;
- (b) That there is an existing natural forest cover on the land consisting of thick original or secondary forest growth of trees, shrubs and undergrowth of whatever variety or species and sufficient to protect the soil from erosion and conserve rain water;
- (c) That the natural forest cover has been maintained, protected and preserved by the ancestral land claimants or owners;
- (d) That the government shall pay lease rentals for the first year in an amount equivalent to the current cost to the government of reforesting an area of the same size as that leased, plus the equivalent current costs of maintaining and protecting reforested lands of the same size. On the second year and thereafter, the lease rentals shall be pegged to the current costs of maintaining, preserving and protecting an equivalent area of reforested land. An amount equivalent to twenty-five percent (25%) of the rental as above determined and computed shall further be charged to the government as additional rental and paid directly to the Community to form part of its barangay funds. Ancestral lands under lease as forest cover shall be exempted from the payment of real estate taxes for as long as the lease subsists.

SECTION 3. *Lease of Reforested Ancestral Lands* - Ancestral lands reforested by the claimants or owners shall be categorized as forest-covered lands and upon lease, be paid rentals by the government in an amount determined and computed in accordance with Section 2 hereof and be entitled to all the other benefits provided for in said Section. To qualify for lease, the reforested area must consist of not less than one-year old planted trees of the same or different varieties or species indigenous to the place and planted in the manner and at distances or intervals as prescribed by standards set by the Department of Environment and Natural Resources. The planted trees and reforested area shall be properly cared for, protected and maintained by the ancestral land claimants or owners.

SECTION 4. *Minimum Area for Lease and Ground for Termination of Lease* - Only lands of not less than two thousand (2,000) square meters shall qualify for lease. Failure on the part of the land claimants or owners to protect, maintain and preserve the natural forest cover of leased ancestral lands or properly care for, protect and maintain the trees in a reforested area under lease shall constitute a ground for the termination of the lease.

SECTION 5. *Forest Cover to Constitute Evidence of Possession and Occupation of Ancestral Land* - Forest cover, natural or reforested, protected, preserved and maintained by the ancestral land claimants or owners, shall, for all legal purposes, be

considered as improvements on the land and shall constitute positive evidence of possession and occupation of the ancestral land.

SECTION 6. *Lease of Communal Ancestral Lands* - Ancestral lands owned and used in common by the community such as watersheds, communal forests, hunting and fishing grounds, pasture lands and established buffer zones shall be covered by the provisions of this Act and in such case, the lease agreement for such lands shall be entered into by the government with the Community and the rental thereon shall accrue to and form part of the barangay funds of the Community.

SECTION 7. *Technical Advice, Rules and Regulations* - The Department of Environment and Natural Resources shall provide free technical advice on reforestation, conservation and maintenance of forest cover, provide free tree seedlings for reforestation, and promulgate the rules and regulations for the full implementation of this Act.

SECTION 8. *Repealing Clause* - All acts, decrees, proclamations, rules, regulations and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 9. *Effectivity Clause* - This Act shall take effect upon approval.

Approved,