

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5945

Introduced by Hon. Salvador B. Belaro Jr.

EXPLANATORY NOTE

The 1987 Constitution tasked Congress to, at the soonest time, “determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground.”

Thirty years have passed since the Constitution was ratified. The demarcation and delineation of forest lands is most certainly long overdue.

Congress must fulfill this specific mandate now to arrest any further deterioration of our country’s forest cover. The delineation of our forests is among the legislative priorities identified in the Philippine Development Plan for 2017 to 2022.

The demarcation and delineation of forest lands will be tedious, time-consuming work, but it must be done 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.

ATTY. SALVADOR B. BELARO, JR.

Representative
1-Ang Edukasyon Party List

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AN ACT
PROVIDING FOR THE DEMARCATION AND DELINEATION OF
FOREST LAND LIMITS, APPROPRIATING THE NECESSARY FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This act shall be known as the "Forest Lands
Limits Act of 2017".

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, the specific limits of forest lands and
national parks shall be determined by law and their boundaries marked clearly
on the ground.

Section 3. Definition of terms. As used in this Act, the following terms
shall be defined as follows:

- a. "Adaptation" shall refer to the adjustment in natural or human systems in response to actual or expected climate stimuli or their effects, which moderates harm or exploits beneficial opportunities.
- b. "Afforestation" shall refer to the planning of trees or the artificial establishment of forest in areas that were not previously forested.
- c. "Agroforestry" shall refer to a strategy for the sustainable management of land which increases their overall productivity by properly combining agricultural crops and/or livestock with forest crops simultaneously or sequentially through the application of management practices which are compatible with the local climate, topography, slope, soil, as well as the culture patterns or customary laws of the local communities.
- d. "Agricultural lands" shall refer to alienable and disposable (A&D) lands of the public domain which have been delimited, classified and declared as such, pursuant to the provisions of Commonwealth Act No. 141, as amended, otherwise known as the Public Land Act.
- e. "Ancestral domains" shall refer to all areas generally belonging to indigenous cultural communities/indigenous peoples (ICCs/IPs) comprising land, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government project or any voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and land which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities,

particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.

f. "Ancestral lands" shall refer to lands occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claim of individual or traditional group ownership continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence by government project and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forest, swidden farms and tree lots.

g. "Communal forest" shall refer to a tract of forestland set aside and established for and under the protection, administration, and management of a city, municipality, or barangay as a source of wood materials or fuel, shelter, and manufactured products; as source of water for the community; and as an area for ecotourism and/or environmental protection or socio-economic projects of local government units (LGUs) consistent with the policies and objectives of this Act and principles of sustainable development.

h. "Comprehensive Land Use Plan" shall refer to a document embodying a set of policies, accompanied by maps and similar illustrations that serve as a policy guide for determining the future use of lands and natural resources within the territorial jurisdiction of the LGUs. It represents the community-desired pattern of population distribution and proposes future allocation of land and resources to various activities. It includes the processes and criteria employed in such determination of allocation of land and resources.

i. "Conservation" shall refer to the planned protection and management of forest, wildlife and other forest resources so as to prevent waste and ensure future use.

- j. "Critical habitat" shall refer to a place or environment where species or subspecies naturally occur or has naturally established its population that are crucial to the survival of a species and essential for its conservation.
- k. "Critical watershed" shall refer to watersheds or forestlands that have been identified and evaluated to provide critical and vital natural, ecological, environmental and physical beneficial services such as water, biodiversity, energy, irrigation, social and cultural, among others, to a special area or community and whose biophysical condition demands immediate rehabilitation, protection and management to prevent its *further denudation, deterioration and exploitation*.
- l. "Degraded forests" shall refer to forest with varying degrees of disturbance or loss of structure, function, species composition and productivity of less than 60% forest cover.
- m. "Delimitation" shall refer to the establishment of permanent boundaries between forestlands, national parks/protected areas and agricultural lands as a result of demarcation.
- n. "Delineation" shall refer to the establishment of boundaries between forestlands, national parks/protected areas and agricultural land as a result of a conduct of site investigation, reconnaissance and field verification in accordance with criteria set by the Department.
- o. "Demarcation" shall refer to the establishment of boundaries using visible markers, monuments or known features/landmarks, among others, as a result of the actual ground delineation.
- p. "Denuded forestlands" shall refer to forestland that are devoid of forest tree cover.
- q. "Department" shall refer to the Department of Environment and Natural Resources (DENR).

- r. "Environment Critical Project" shall refer to the project or program that has high potential for significant negative environmental impact.
- s. "Forest" shall refer to an ecosystem or an assemblage of ecosystems dominated by trees and other woody vegetation; a community of plants and animals interacting with one another and its physical environment. It shall consist of trees with overlapping crown of 60-100% forest cover.
- t. "Forest/Forest-Dependent Community" shall refer to a group of people residing inside or immediately adjacent to a particular forestland that are largely or partly dependent on the forest resources found therein for their livelihood.
- u. "Forest ranger" shall refer to any public officer who by the nature of his appointment or the function of the position to which he is appointed is authorized by law and regulations or commissioned by competent authorities to execute, implement or enforce the provisions of this Act and other related laws and regulations.
- v. "Forestland" shall refer to land of the public domain classified as needed for forest purposes. They shall include all forest reserves, forest reservation and all remaining unclassified lands of the public domain.
- w. "Grazing land" shall refer to a portion of the public domain which has been set aside, in view of its topography and vegetation, for the raising of livestock.
- x. "Indigenous and community conserved areas" or "ICCAs" shall refer to the close association between a specific indigenous people or local community and a specific territory, area or body of natural resources with effective local governance and conservation of nature.
- y. "Indigenous Cultural Communities/Indigenous Peoples" or "ICCs/IPs" shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and

defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of the Filipinos. ICCs/IPs shall likewise include people who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

z. "Industrial Tree Plantation" or "ITP" shall refer to any tract of land planted mainly to timber production species, including rubber and/or non-timber species primarily to supply the raw materials requirements of forest-based industries, energy-generating plants, and related industries.

aa. "Kaingin" shall refer to a portion of the forestland, whether occupied or not, which is subjected to shifting and/or permanent slash-and-burn cultivation having little or no provision to prevent soil erosion.

bb. "Kaingin making" shall refer to a process employed to establish a kaingin.

cc. "Key Biodiversity Areas" or "KBAs" shall refer to places of international importance for the conservation of biodiversity.

dd. "Local Conservation Areas" or "LCAs" shall refer to areas that are not within protected areas pursuant to the NIPAS Act of 1992, but have been set aside for conservation purposes through ordinances, with the local government taking the lead in implementing conservation and protection activities.

ee. "Master Plan for Forestry Development" shall refer to the twenty-five (25) year strategic program of the Forestry Sector envisioned to

guide its long-term development. This program includes: (a) policy and institutional development; (b) restoration and rehabilitation; (c) watershed and forestry development; (d) livelihood and poverty reduction; and (e) timber/non-timber industry development.

ff. "National Park" shall refer to the land of public domain classified as such in the 1987 Philippine Constitution which include all areas under the National Integrated Protected Areas System (NIPAS) pursuant to RA 7586, primarily set aside and designated for the conservation of native plants and animals, their associated habitats and cultural diversity.

gg. "Non-governmental organization" or "NGO" shall refer to a non-stock, non-profit, and voluntary organization.

hh. "Permit" shall refer to a short-term privilege or authority granted by the State to a person to utilize any limited forest resource or undertake a limited activity within any forestland without any right of occupation, possession, and ownership therein.

ii. "Person" shall refer to a natural or juridical person, including local forest communities and indigenous peoples organized in accordance with law or custom.

jj. "Plantation forestry" shall refer to the planting of one or two species for the sole purpose of harvesting.

kk. "Primary forest" shall refer to forest which have never been subject to human disturbance or has been so little affected by hunting, gathering and tree cutting that its natural structure, function and dynamics have not undergone any change that exceed the elastic capacity of the ecosystem.

ll. "Production forestland" shall refer to forestland defined under Section 4 and Section 5 of this Act;

mm. "Protected areas" shall refer to identified portions of the land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected

against destructive human exploitation. They shall constitute the areas established under the National Integrated Protected Areas System (NIPAS) pursuant to RA 7586 and shall fall under the National Park classification of public domain.

nn. "Protection Forestlands" shall refer to the forestlands defined under Section 5 of this Act;

oo. "Reforestation" shall refer to all land use activities directed toward restoration, establishment and sustained management using native species of diversified vegetation on denuded, degraded and/or marginal lands, including but not limited to the planting and tending of timber, orchard and multi-use trees.

pp. "Reservation" shall refer to an area of the public domain reserved by law for a specific purpose.

qq. "Restoration" shall refer to returning the forestland to its original state in terms of species composition, structure, function and productivity.

rr. "Restoration zones" shall refer to the area where restoration activities are conducted and where the original vegetation shall be restored.

ss. "Road" shall refer to bulldozed land which is accessible by at least a two-wheel motorized vehicle.

tt. "Rotation" shall refer to the number of years between the initial establishment of a plantation and the time when it is considered ready for harvesting.

uu. "Secondary forest" shall refer to a former forest that was logged over and is characterized by residuals.

vv. "Secretary" shall refer to the Secretary of the DENR.

ww. "Subdivision" shall refer to a tract or parcel of land partitioned into individual lots, with or without improvements thereon, primarily for residential purposes.

xx. "Sustainable development" shall refer to development that meets the needs of the present without compromising the ability of the future generations to meet their own needs.

yy. "Sustainable Ecosystem Management" or "SEM" shall refer to the effective management of ecological systems in a manner which allows resilience and maximum benefit to organisms with little or no damage inflicted on ecosystems.

zz. "Sustainable forest management" or "SFM" shall refer to the process of managing a forest to achieve one or more clearly specified object of management with regard to production of continuous flow of desired forest product and services without undue reduction of its inherent value and future productivity and without undesirable effects on the physical and social environment.

aaa. "Tenure" shall refer to the guaranteed peaceful possession and use specific forestland area and specific resources found therein, covered by an agreement, contract, or grant which cannot be altered or abrogated without due process.

bbb. "Timber License Agreement" or "TLA" shall refer to the privilege granted by the State to a person to utilize forest resources within an area with the right of possession and occupation thereof to the exclusion of others except the government, but with the corresponding obligation to develop, protect, rehabilitate the same in accordance with the terms and conditions set forth in the said agreement.

ccc. "Timber plantation" shall refer to a tree stand established by planting and/or seeding. The stand is either of introduced species (all planted stands), or an intensively managed stand of any indigenous species, which meets all the following criteria: one or two species at

plantation, even-aged class, and regular spacing for the primary purpose of harvesting timber or any of its by-products.

ddd. "Urban Forestry or Green Space" shall refer to the establishment or setting-up of areas for mini-forest, eco-parks or small nature parks, in both public and private lands; wetlands, man-made lagoons and lakes systems, riverbanks and shores, grasslands, roof and rock gardens; lining roads and highways with trees, shrubs, or ornamental plants, and ground landscaping of schools, hospitals, and other government agencies in order to improve the environment in urban areas.

eee. "Watershed Continuum" shall refer to an area consisting of the watershed and its divide including its connection from the headwaters to the reef.

fff. "Watershed Reservation" shall refer to a forestland reservation established to protect or improve the conditions of water yield thereof or reduce sedimentation.

ggg. "Wildlife" shall refer to wild forms and varieties of flora and fauna, in all developmental stages.

hhh. "Woodlot" shall refer to track or plot of land planted with fast growing tree species basically for fuel wood purposes. Woodlot is the major component in Rotational Woodlot Agroforest System which aims to satisfy house and regional fuel wood demand while reducing harvesting pressure on local forest. Rotational Woodlot Agroforest System includes the following components: (1) Establishment, which includes tree and crop intercropping; (2) Fallow, which pertains to build up of wood and soil fertility; and (3) Post-fallow, which pertains to wood harvesting and sequential cropping.

Section 4. What Constitute Forestlands. - Permanent Forestlands are all forestland currently classified as such. The following shall constitute forest lands:

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

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

(c) 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 and which may hereafter be classified as forest land by the DENR.

Section 5. Sub-Classification of the Permanent Forestlands. The permanent forestlands shall be sub-classified into the following categories according to primary use:

1. Protection forestlands shall consist of all natural and restored forests including areas identified as key biodiversity areas, critical habitats, freshwater, swamps, and marshes, all areas along the bank of rivers and streams, and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas, and forty (40) meters in forest areas, along their margins which are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage shall also be sub-classified as protection forestlands. Commercial logging, mining and other similar extractive activities such as but not limited to treasure hunting shall be absolutely prohibited in protection forestlands; Provided, That the provision of the IPRA shall be respected;

2. Production forestlands shall be all forestlands not sub-classified as protection forestlands defined in this Section, and shall be devoted to the production of timber and/or non-forest products or the establishment of industrial tree plantations, tree farms, communal forest, agroforestry, grazing, or as multiple-use forest including water-based energy areas such as but not limited to hydro and geothermal reservations: Provided, That they shall be managed, developed, and utilized in accordance with a local government unit-approved management plan consistent with the prescribed Forestry Master Plan and based on sustainable forest

management principles: Provided, further, That the department may change the sub-classification of specific areas of production forestlands into protection areas and recommend to Congress their establishment as part of the integrated protected areas systems in accordance with the NIPAS Act, or as critical habitat under the Wildlife Resources Conservation and Protection Act: Provided finally, That ancestral domains located within protection and production forests shall be governed by customary laws;

3. Restoration Areas are areas to be designated in the forest management plan as such. Designation of a restoration area is compulsory in all forest management plans.

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

Cutting and mining shall be banned in the protection forest lands.

Section 6. Lands for Environmental Protection and Forestry Purposes. The following lands are needed for environmental protection and forestry purposes and shall not therefore be classified as agricultural lands or for other land use:

1. Isolated patches of forest, regardless of size of area, with rocky terrain or which protect a spring for communal use;
2. All mangroves and swamplands including twenty-meter wide strips thereof facing oceans, lakes and other bodies of water not yet classified as alienable and disposable lands;
3. Ridge tops and plateaus regardless of size found within or surrounded wholly or partially by forestlands where headwaters emanate;
4. Twenty-meter wide strips of land from the edge of the normal high waterline of rivers and streams with channel of at least five (5) meters wide which are not yet classified as alienable and disposable;

5. Areas needed for other purpose for public interest such as research or experimental purposes and other; and

6. Areas considered environmentally critical because of their vulnerability to damage from landslides, volcanic eruptions, and other natural causes.

Section 7. Guidelines in Determining the Specific Limits of Forest Lands.

- The following guidelines and procedures shall be followed in determining the specific limits of forest 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; and

(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.

Section 8. 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 Section 5 of this Act. 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 Chairperson;
- (b) Secretary for Socioeconomic Planning and Director-General of the National Economic and Development Authority (NEDA) as Vice-Chairperson;
- (c) Secretary of the Department of the 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) Chairperson of the Housing and Urban Development Coordinating Council (HUDCC) as Member;
- (g) Chief Executive Officer and Commissioner of the Housing and Land Use Regulatory Board (HLURB) as Member;
- (h) Chairperson of the National Commission on Indigenous Peoples (NCIP) as Member; and
- (i) President of the League of Provinces of the Philippines as Member.

Upon approval of the assessment and delineation reports, the Committee shall submit the same to Congress to 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.

The National Review and Evaluation Committee shall be assisted by the Forest Management Bureau (FMB) of the DENR in the process, evaluation and review of all completed assessment and delineation reports referred to in the preceding section. The FMB staff shall serve in the National Review and Evaluation Committee *without compensation but may be reimbursed for basic expenses in the preparation of the assessment and delineation reports.*

Section 9. 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.

Section 10. Permanency of the Specific Forest Lands Limits. - The permanent forest lands established pursuant to this Act shall not be diminished or reduced except by an act of Congress. The DENR, in coordination with all agencies and branches of government, shall ensure that the forest cover and vegetation therein shall be protected, preserved and enhanced.

Section 11. Recognition of the Rights of the Indigenous Cultural Communities/Indigenous Peoples and Tenured Migrant Communities. -In the ground delineation of the permanent forest lands limits, the occupation by indigenous cultural communities/indigenous peoples and tenured migrant communities shall be recognized and respected, consistent with the provisions of Republic Act No. 7160 or the Local Government Code of 1991, the IPRA Law, and Presidential Decree No. 705, as amended, or the Forestry Code of 1975.

Section 12. Accessibility of Records to the Public. - All records and information pertaining to the specific forest lands limits delineated pursuant to this Act shall be made available to the general public, including online internet access.

Section 13. Creation of the Adjudication Board to Resolve Controversies on Land Classification Conflicts. - A Land Classification Conflict Adjudication Board, herein referred to as the Board, is hereby created to resolve controversies arising from land classification 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 (DO)) as Chairperson;
- (b) Administrator of the Land Registration Authority (LRA) as Member;
- (c) Representative from the Integrated Bar of the Philippines (IBP) as Member;
- (d) Representative from a reputable College of Forestry as Member; and
- (e) Representative from the private sector as Member.

Section 14. Powers and Functions of the Adjudication Board. - The Board shall have the following powers and functions:

- (1) Resolve controversies arising from land classification as a result of the delimitation of forest lands pursuant to this Act;
- (2) Summon witnesses, administer oaths, take testimony and require submission of reports;
- (3) Compel production of books and documents and answers to interrogatories; and

(4) Issue subpoena duces tecum, writs of possession, writs of execution and other writs to enforce its orders and decisions.

In any proceeding before the Board, the Rules of Evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Act that shall govern. The Board shall use any and all reasonable means to ascertain the facts in each case speedily and objectively and without regard to technicalities of law or procedure, in the interest of due process. In any proceeding before the Board, the parties may be represented by legal counsel.

The findings of fact of the Board shall be conclusive and binding on the parties and its decision or order shall be final and executory.

A petition for review by certiorari and question of law may be filed by the aggrieved party with the Supreme Court within thirty (30) days from receipt of the order or decision of the Board.

Section 15. 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 to regularly keep track of the state of the country's forest lands after their delimitation. Toward 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 16. Implementing Rules and Regulations. - Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR shall issue the corresponding implementing rules and regulations for the effective implementation of this Act.

Section 17. Appropriations. - The Secretary of the DENR shall include in the Department's budget program the implementation of this Act, the initial funding of which shall be charged against the current year's appropriations of the Department and thereafter shall be included by the Department of Budget and Management in the annual General Appropriations Act (GAA).

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

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

Section 18. Separability Clause. - If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

Section 19. Repealing Clause. - All laws, decrees, letters of instruction, executive orders, rules and regulations and other issuances or parts thereof *inconsistent with this Act are hereby repealed or modified accordingly.*

Section 20. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

Approved