

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7090**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

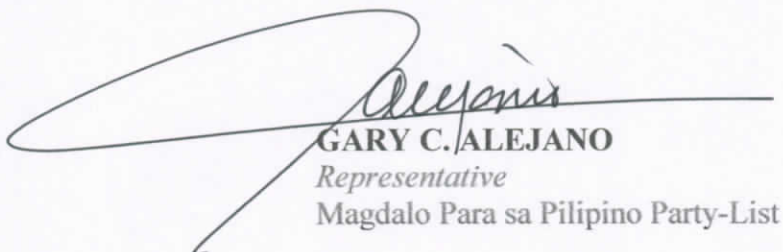
EXPLANATORY NOTE

The failure to protect the forest lands and forest resources from timber companies' exploitation has been leading to the denudation of our forests and the consequent suffering of the entire country caused by natural disasters. This scenario demonstrates a serious problem related to public goods.

As a response to the problem of denuded forests, the total log ban has been advocated. However, a total log ban is clearly not an optimum nor an effective response because it does not provide sufficient incentives that are consistent with the preservation of forest resources.

This bill proposes a system of private land forestry, defining special agricultural lands and permanent agro-forestry zones, and vesting in private individuals the property rights to such lands. Private individuals exercising limited property rights over these lands under the supervision of local government units (LGUs) will constitute the more effective enforcers of practices that will contribute towards the renewal and preservation of our forest lands and resources.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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AN ACT
INSTITUTIONALIZING PRIVATE LAND FORESTRY TO ENHANCE
REFORESTATION AND ENVIRONMENTAL PROTECTION AND PROVIDING
INCENTIVES THEREOF, 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 as the "Private Land Forestry and
2 Incentive Act."

3
4 **SEC. 2 Declaration of Policy.** - It is declared policy of the State to protect and advance
5 the right of the people to a balanced and healthful ecology through forest conservation and
6 reforestation. The State also recognizes the indispensable role of the private sector in
7 reforestation.

8
9 **SEC. 3. Coverage.** - This Act shall cover social forestry areas, alienable/disposable land,
10 and privately owned lands engaged in agro-forestry activities.

11
12 **SEC. 4. Special Agricultural Lands and Permanent Agro-Forestry Zones.** - All land
13 areas covered by the integrated social forestry program of the Department of Environment and
14 Natural Resources (DENR) pursuant to Letter of Instruction No. 1260 and such other areas as
15 may be determined by the DENR are hereby classified as special agricultural lands declared as
16 "Permanent Agro-Forestry Zones" and shall be available for land ownership or title by qualified
17 beneficiaries. As special agricultural lands such areas shall continue to be farmed with at least
18 twenty percent (20%) of the land planted to the trees or reforestation species and with
19 environmental protection measures.

20
21 **SEC. 5. Application.** -

22
23 A) All individuals qualified to be beneficiaries of the integrated social forestry program
24 of the DENR as provided in Administrative Order No. 4 dated February 27, 1991 are
25 hereby declared qualified to apply for the titling of a forestland of not exceeding
26 seven (7) hectares of Permanent Agro-Forestry Zone.

27
28 B) All individual forestland occupants awarded with certificates of stewardship contracts
29 under the integrated social forestry program of DENR as of the effectivity of this Act
30 are hereby qualified to apply for the corresponding land titles.

31
32 It is hereby provided that the qualifications to be beneficiaries of the integrated social
33 forestry program of government are as follows: Must be of legal age; Must be a citizen of the
34 Philippines; Must be actual tillers or cultivators of the land to be allocated; and Must be living
35 within the project area or adjacent barangay/sitio.
36

1 **SEC. 6. Conditions for the Grant.** - The grant of certificates of land ownership or titles
2 to qualified beneficiaries under this Act shall be subject to the following conditions:

- 3
4 A) At least twenty percent (20%) of the social forestry area awarded to the occupant
5 shall be devoted to tree farming of suitable species to contribute to the reforestation
6 efforts of the government;
7
8 B) Trees and other vegetation along the banks of rivers and streams, bordering or passing
9 through the allocated areas, shall be protected and preserved: *Provided*, That if the
10 channel is at least five (5) meters wide, the protected strip, perpendicular to the edge
11 of the normal high waterline shall be twenty (20) meters. In case of rivers or
12 waterways less than five (5) meters in width, the strip shall be ten (10) meters on each
13 side;
14
15 C) The allocated land shall be developed, consistent with scientific and environmental
16 protection practices, into productive farms which are economically viable and enable
17 the occupant and his family to be self-reliant; and
18
19 D) Regardless of transfer of ownership, the area shall not be converted to uses other than
20 agro-forestry, except as determined by scientific/technical studies and expressly
21 allowed by law.
22

23 **SEC. 7. Jurisdiction over Agro-Forestry Zones.** - Consistent with Section 17 of
24 Republic Act No. 7160 or the Local Government Code, the local governments shall have primary
25 jurisdiction over agro-forestry zones for purposes of the implementation and enforcement of the
26 provisions of this Act.
27

28 **SEC. 8. Transferability of Ownership.** - Social forestry areas acquired by beneficiaries
29 under this Act may not be sold, transferred or conveyed except through hereditary succession or
30 to other qualified beneficiaries for a period of five (5) years from date of issuance of the original
31 certificate of land ownership or title.
32

33 **SEC. 9. Private Forestry Areas.** - The following shall be considered as private forestry
34 areas: (a) agricultural or alienable/disposable lands at least twenty percent (20%) of which area is
35 devoted to tree farming of reforestation species; (b) private lands converted to farms at least
36 twenty percent (20%) of which area is planted to reforestation species; and (c) social forestry or
37 agro-forestry zone areas covered by this Act.
38

39 **SEC. 10. Incentives.** - The following incentives are given to owners and
40 cultivators/developers of private forestry areas:
41

- 42 A) Exemption from payment of all taxes and agricultural forest charges including tariffs
43 or import duties on agricultural forestry equipment, machinery and farm processing
44 and other inputs, except net income tax;
45
46 B) Permission to sell, trade, dispose or export agro-forestry produce even in raw form;
47
48 C) Permission to sell or dispose of the land area and assets thereof in secondary markets
49 subject to the restriction in Section 8 of this Act;
50
51 D) Government guarantee of up to ninety percent (90%) of the amount loaned from local
52 or foreign sources for private forestry operations: *Provided, however*, That the
53 property and assets therein are mortgaged to the government as collateral; and
54
55 E) Preferential technical and administrative assistance from government agencies.
56

1 **SEC. 11. Disposal of Foreclosed Private Forestry Areas.** - All private forestry areas or
2 lands foreclosed or acquired by the government through default of loans or violation of law shall,
3 within one (1) year after their titles are transferred in favor of the government, to be disposed to
4 qualified persons or entities.

5
6 **SEC. 12. Economies of Scale.** - Individual owners of private forestry areas may form
7 federations for purposes of economies of scale of operations; Provided, however, that individual
8 land ownership or title is preserved, and that twenty percent (20%) of the total land area, thus
9 pooled, is devoted to tree farming of reforestation species and the remaining areas subjected to
10 adequate environmental protection.

11
12 **SEC. 13. Penal Provisions.** - Social forestry areas which have not adequately
13 accomplished agro-forestry activities after five (5) years of ownership shall be forfeited in favor
14 of the government. Other violations of forestry, land and environment and other laws shall be
15 punished accordingly with respect to such codes or laws.

16
17 **SEC. 14. Implementing Guidelines.** - The Department of Interior and Local Government
18 (DILG), in consultation with the Department of Environment and Natural Resources, Agriculture
19 and Agrarian Reform, the Land Bank and other agencies concerned shall formulate the necessary
20 implementing rules and regulations within ninety (90) days after effectivity of this Act:
21 *Provided*, That such regulations include the creation of interagency Oversight Committee at the
22 appropriate field levels.

23
24 **SEC. 15. Separability Clause.** - If any section or provision of this Act shall be declared
25 unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in
26 full force and effect.

27
28 **SEC. 16. Repealing Clause.** - All laws, decrees, orders, rules and regulations and other
29 issuances inconsistent with the provisions of this Act are deemed modified, revoked or repealed
30 accordingly.

31
32 **SEC. 17. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
33 the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,