

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

H.B. No. 3707



Introduced by Representative Ralph G. Recto

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

EXPLANATORY NOTE

The 1987 Constitution provides that Congress shall determine by law the specific limits of forest lands and national parks, which shall thereafter be conserved and may not be increased nor diminished.

According to government statistics, half of the country's total land area or roughly 15.05 million hectares is classified as forest land. These lands classified under forest land are further disaggregated into different categories, such that only 3.27 million hectares out of the 15.05 million hectares are classified as forest reserves. However, the lack of demarcation separating the lands classified as forest reserves from other classes may have resulted to an inaccurate picture as to the actual size of the country's forest lands, as some may have been encroached by various adjacent land developments or have been reclassified in accordance with existing laws.

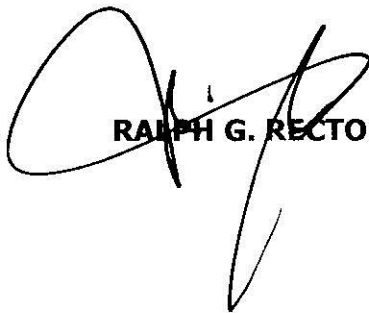
In order to mitigate further encroachment, the Department of Environment and Natural Resources (DENR), as of 2017, has completed the delineation and assessment of 89,091 kilometers of forest lines for submission to the National Assessment and Delineation Committee.

However, in order to strengthen DENR's efforts in the delineation and assessment of the country's forest lands, an enabling law is necessary to provide a legal framework to preserve the remaining forest resources, protect, manage and utilize these lands for purposes consistent with sustainable development. With the growing threat of further encroachment over remaining forest lands at hand, it is imperative for government to secure forest lands from further dissipation due in part to uncontrolled development and urban expansion.

This measure seeks to define the scope of forestlands, as well as provide guidelines in determining the specific limits of forestlands. For this purpose, a National Review and Evaluation Committee, headed by the Secretary of Environment and Natural Resources, shall be created to process, evaluate and approve all completed assessment and delineation reports referred to the said Committee. The DENR shall, upon determination of final forest lines, delimit and establish boundary monuments on the ground. Forestlands delineated under this legislation shall be conserved and may not be increased nor decreased, except by law.

In order to resolve controversies arising from land classification as a result of the delimitation of forestlands, a Land Classification Conflict Adjudication Board shall also be created under this Bill.

To attain ecological balance, preserve valuable ecosystems, prevent environmental degradation and promote sustainable development, approval of this Bill is earnestly sought.



RALPH G. RECTO

HOUSE OF REPRESENTATIVES

H.B. No. 3707

Introduced by Representative Ralph G. Recto

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:

1 Section 1. *Short Title.* – This Act shall be known as the "Forest Lands Limits
2 Act".

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to conserve, protect
4 and develop the forest resources of the country in order to attain ecological balance,
5 preserve valuable ecosystems, prevent environmental degradation and promote
6 sustainable development for the present and future generations. To achieve these
7 ends, the specific limits of forest lands and national parks shall be determined by law
8 and their boundaries marked clearly on the ground.

9 Sec. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall
10 mean:

- 11 a) *Agricultural lands* shall refer to alienable or disposable lands of the public
12 domain which have been the subject of the land classification system
13 and declared as not needed for forest purposes;
- 14 b) *Delineation* shall refer to the conduct of site investigation, field
15 reconnaissance and assessment, and staking of boundaries between
16 forest lands, national parks and agricultural lands verified in the field in
17 accordance with the criteria set forth under Department of Environment
18 and Natural Resources (DENR) administrative orders;

- 1 c) *Demarcation and delimitation survey* shall refer to the establishment of
2 permanent boundary monuments of forest land through ground survey
3 in accordance with existing standards and practices;
- 4 d) *Forest lands* shall include the public forests, the permanent forest or
5 forest reserves, and forest reservations;
- 6 e) *Forest reservations* shall refer to forest lands which have been reserved
7 by the President of the Philippines for any specific purpose or purposes;
- 8 f) *Permanent forest* or *Forest reserve* shall refer to those lands of the
9 public domain which have been the subject of the present system of
10 classification and determined to be needed for forest purposes;
- 11 g) *Production forest lands* shall refer to forest lands available for timber
12 and agro-forestry production, range lands for grazing, and other forest
13 lands for special uses;
- 14 h) *Protected area* shall refer to identified portions of land and water set
15 aside by reason of their unique physical and biological significance,
16 managed to enhance biological diversity and protected against
17 destructive human exploitation;
- 18 i) *Protection forest lands* shall refer to all areas within the forest lands
19 devoted primarily for the protection and conservation of forest resources
20 to ensure environmental stability, conservation of biological diversity,
21 improvement of ecosystem functions and services, and provision of
22 ecological and economic benefits. All mossy and primary/old growth
23 forests and natural beach; key biodiversity areas; areas regardless of
24 slope and vegetation cover which are highly erodible or too rocky for
25 establishment of production forests; areas developed for the principal
26 objectives of establishing vegetative cover to prevent erosion, conserve
27 water and nurture wildlife; freshwater bodies, swamps, and marshes; all
28 areas along the bank of the rivers and streams; and the shores of the
29 seas and lakes throughout their entire length and within the zone of
30 three (3) meters in urban areas, twenty (20) meters in agricultural
31 areas, and forty (40) meters in forest areas, along their margin which
32 are subject to the easement of public use in the interest of recreation

1 settlements, navigation, floatage, fishing and salvage, shall also be sub-
2 classified as protection forest lands: *Provided*, That the provisions of
3 Republic Act No. 8371 or the Indigenous Peoples Rights Act (IPRA) of
4 1997 and Republic Act No. 11038 or the Expanded National Integrated
5 Protected Areas System (NIPAS) Act of 2018 shall be respected;

6 j) *Public forest* shall refer to the mass of lands of the public domain which
7 has not been the subject of the present system of classification for the
8 determination of which lands are needed for forest purposes and which
9 are not; and

10 k) *Tenured migrant communities* shall refer to communities within forest
11 lands which have actually and continuously occupied such areas for five
12 (5) years before the designation of the same as forest lands in
13 accordance with this Act and are solely dependent therein for
14 subsistence.

15 Sec. 4. *What Constitutes the Forest Lands.* – The following shall constitute the
16 forest lands, to wit:

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

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

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

25 Sec. 5. *Guidelines in Determining the Specific Limits of Forest Lands.* – The
26 following guidelines and procedures shall be followed in determining the specific
27 limits of forest lands in the country:

28 a) The previously-established Land Classification (LC) survey lines per
29 province with their respective technical descriptions (TDs) and maps
30 shall be the basic data and information that will be used as reference
31 material in undertaking the validation, assessment and delineation
32 process;

- 1 b) All completed assessment and delineation reports for a given province
2 shall be endorsed to the National Review and Evaluation Committee as
3 created herein to be headed by the Secretary of the DENR for final
4 approval; and
5 c) The same process shall be followed for other provinces with on-going
6 assessments and delineation activities until such time that all the
7 boundaries of forest lands of the whole country shall have been
8 delimited: *Provided*, That all assessments, validations and delineations
9 shall be completed not later than one (1) year after the effectivity of this
10 Act.

11 Sec. 6. *National Review and Evaluation Committee.* – A National Review and
12 Evaluation Committee is hereby created to process, evaluate, and approve all
13 completed assessment and delineation reports referred to in Section 5 of this Act.
14 The Committee, in its evaluation and approval of the said reports, shall adhere
15 strictly to existing established laws, policies, rules, regulations and guidelines
16 pertinent thereto.

17 The Committee shall be composed of the following:

- 18 a) Secretary of the DENR as Chairperson;
19 b) Secretary for Socioeconomic Planning and Director-General of the
20 National Economic and Development Authority (NEDA) as Vice-
21 Chairperson;
22 c) Secretary of the Department of the Interior and Local Government
23 (DILG) as Member;
24 d) Secretary of the Department of Agriculture (DA) as Member;
25 e) Secretary of the Department of Human Settlements and Urban
26 Development (DHSUD) as Member;
27 f) Chairperson of the National Commission on Indigenous Peoples (NCIP)
28 as Member; and
29 g) President of the League of Provinces of the Philippines as Member.

30 Upon approval of the assessment and delineation reports, the Committee shall
31 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.

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 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.

Sec. 9. Sub-classification of the Permanent Forest Lands. – The permanent forest lands shall be further sub-classified as follows: (a) protection forest lands; and (b) production forest lands.

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

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

Sec. 10. Recognition of the Rights of the Indigenous Cultural Communities/Indigenous Peoples and Tenured Migrant Communities. – In the ground delineation of the permanent forest land 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, Republic Act No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997, and Presidential Decree No. 705, as amended, or the Forestry Code of 1975.

1 Sec. 11. *Accessibility of Record to the Public.* – All records and information
2 pertaining to the specific forest lands limits delineated pursuant to this Act shall be
3 made available to the general public.

4 Sec. 12. *Creation of the Adjudication Board to Resolve Controversies on Land*
5 *Classification Conflicts* – A Land Classification Conflict Adjudication Board, herein
6 referred to as the Board, is hereby created to resolve controversies arising from land
7 classification as a result of the delimitation of forest lands pursuant to this Act. The
8 Board shall be composed of the following:

- 9 a) Secretary of the Department of Justice (DOJ) as Chairperson;
- 10 b) Administrator of the Land Registration Authority as Member;
- 11 c) Representative from the Integrated Bar of the Philippines (IBP) as
12 Member;
- 13 d) Representative from a reputable College of Forestry as Member; and
- 14 e) Representative from the private sector as Member.

15 Sec. 13. *Powers and Functions of the Adjudication Board.* – The Board shall
16 have the following powers and functions:

- 17 1) Resolve controversies arising from land classification as a result of the
18 delimitation of forest lands pursuant to this Act;
- 19 2) Summon witnesses, administer oaths, take testimony and require
20 submission of reports;
- 21 3) Compel production of books and documents and answers to
22 interrogatories; and
- 23 4) Issue subpoena *duces tecum*, writs of possession, writs of execution and
24 other writs to enforce its orders and decisions.

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

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

1 Appeal on the decision or order of the Board involving questions of law by way
2 of petition for review may be filed by the aggrieved party with the Court of Appeals
3 under Rule 43 of the Rules of Court within fifteen (15) days from notice of the order
4 or decision of the Board.

5 Sec. 14. *Monitoring, Evaluation and Reporting System.* – To attain the
6 objectives of this Act, a field monitoring, evaluation and reporting system shall be
7 adopted by the DENR to regularly keep track of the state of the country's forest
8 lands after their delimitation. Toward this end, at the opening of each Session of
9 Congress, the DENR shall submit a report to the President on the status of the
10 forestlands for transmission to Congress.

11 Sec. 15. *Appropriations.* – The Secretary of the DENR shall include in the
12 Department's budget program the funds necessary for the implementation of this
13 Act, the initial funding of which shall be charged against the current year's
14 appropriations of the Department and thereafter included in the annual General
15 Appropriations Act (GAA).

16 Funds for the implementation of the provisions of this Act shall be
17 supplemented by any available Official Development Assistance (ODA) and from joint
18 projects between agencies of the Philippines and an assisting country.

19 The LGUs shall also allocate counterpart funds to be taken from their Internal
20 Revenue Allotment (IRA) and other LGU income for the delineation of the forest
21 lands within their respective territorial jurisdictions.

22 Sec. 16. *Implementing Rules and Regulations.* – Within ninety (90) days 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 Sec. 17. *Separability Clause.* – If any portion of this Act is declared
26 unconstitutional, the same shall not affect the validity and effectivity of the other
27 provisions not affected thereby.

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
30 this Act are hereby repealed, amended or modified accordingly.

1 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its
2 complete publication in the *Official Gazette* or in two (2) newspapers of general
3 circulation in the Philippines.

Approved,