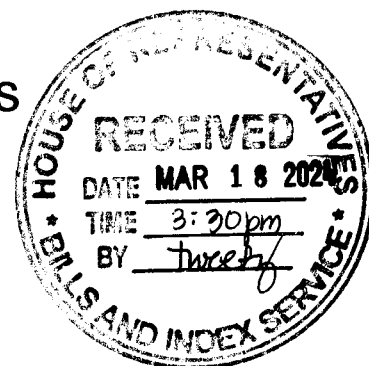




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. **10164**



Introduced by Representative Christian S. Unabia

EXPLANATORY NOTE

This bill seeks to provide stiffer penalties for violations of Presidential Decree No. 705 (PD), as amended, otherwise known as the "*Revised Forestry Code of the Philippines*".

In 2017, the value of property as basis for penalties to be imposed for cases of Theft and Qualified Theft under the Revised Penal Code (RPC) was amended by Republic Act No. 10951 (RA), entitled "*An Act Adjusting the Amount or the Value of Property and Damage on Which a Penalty is Based, and the Fines Imposed Under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as 'The Revised Penal Code', as Amended*". The said law in effect also impliedly amended the penalty imposed by Section 77 of PD 705, as amended since the latter law is dependent on the provisions of the RPC on Theft (Article 309) and Qualified Theft (Article 310) for the imposition and computation of penalties.

The threshold stated in RA 10951 is now the determining factor in the filing of cases for violation of PD 705. However, RA 10951 has caused confusion among the concerned government agencies as to the jurisdiction of the cases being filed for violation of PD 705.

Hence, this measure proposes to amend Section 77 of PD 705 wherein a specific set of penalties independent to that imposed under Articles 309 and 310 of the Revised Penal Code will be provided to determine the jurisdiction of the courts for its violation. Also, it must be observed that the succeeding provisions of PD 705, specifically Sections 78, 80, 81, 83, 85, 86, 87, and 88, impose fine which are obsolete and which must be at par with the fines imposed under the Revised Penal Code and other special laws.

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



CHRISTIAN S. UNABIA



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HOUSE BILL NO. **10164**

Introduced by Representative Christian S. Unabia

1 **AN ACT**
2 **PROVIDING STIFFER PENALTIES FOR VIOLATIONS OF**
3 **PRESIDENTIAL DECREE NO. 705, AS AMENDED, OTHERWISE**
4 **KNOWN AS THE “REVISED FORESTRY CODE”**
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in*
7 *Congress assembled:*
8

9 SECTION 1. Section 77 of Presidential Decree No. 705, as amended by
10 Executive Order No. 277, Series of 1987 and Republic Act No. 7161, is hereby
11 further amended to read as follows:

12 “SECTION 77. Cutting, Gathering and/or collecting Timber, or
13 Other Forest Products Without License. – Any person who shall cut,
14 gather, collect, remove timber or other forest products from any
15 forest land, or timber from alienable or disposable public land, or
16 from private land, without any authority, or possess timber or other
17 forest products without the legal documents as required under
18 existing forest laws and regulations, shall be punished with [the

1 ~~penalties imposed under Articles 309 and 310 of the Revised Penal~~
2 ~~Code]~~:

3 “(A) IMPRISONMENT OF NOT LESS THAN SIX (6)
4 YEARS BUT NOT MORE THAN EIGHT (8) YEARS, IF THE
5 VALUE OF THE TIMBER OR FOREST PRODUCTS
6 ILLEGALLY CUT, GATHERED, COLLECTED, REMOVED
7 OR POSSESSED IS MORE THAN ONE MILLION TWO
8 HUNDRED THOUSAND PESOS (P1,200,000.00) BUT DOES
9 NOT EXCEED TWO MILLION TWO HUNDRED
10 THOUSAND PESOS (P2,200,000.00); BUT IF THE VALUE OF
11 THE TIMBER OR FOREST PRODUCTS ILLEGALLY CUT,
12 GATHERED, COLLECTED, REMOVED OR POSSESSED
13 EXCEEDS THE LATTER AMOUNT, THE PENALTY SHALL
14 BE EIGHT (8) YEARS, AND ONE (1) YEAR FOR EACH
15 ADDITIONAL ONE MILLION PESOS (P1,000,000.00), BUT
16 THE TOTAL OF THE PENALTY WHICH MAY BE IMPOSED
17 SHALL NOT EXCEED TWENTY (20) YEARS.

18 “(B) IMPRISONMENT OF NOT LESS THAN TWO (2)
19 YEARS, BUT NOT MORE THAN SIX (6) YEARS, IF THE
20 VALUE OF THE TIMBER OR FOREST PRODUCTS
21 ILLEGALLY CUT, GATHERED, COLLECTED, REMOVED
22 OR POSSESSED IS MORE THAN SIX HUNDRED

1 **THOUSAND PESOS (P600,000.00) BUT DOES NOT EXCEED**
2 **ONE MILLION TWO HUNDRED THOUSAND PESOS**
3 **(P1,200,000.00).**

4 **“(C) IMPRISONMENT OF NOT LESS THAN SIX (6)**
5 **MONTHS BUT NOT MORE THAN TWO (2) YEARS, IF THE**
6 **VALUE OF THE TIMBER OR FOREST PRODUCTS**
7 **ILLEGALLY CUT, GATHERED, COLLECTED, REMOVED**
8 **OR POSSESSED IS MORE THAN TWENTY THOUSAND**
9 **PESOS (P20,000.00) BUT DOES NOT EXCEED SIX**
10 **HUNDRED THOUSAND PESOS (P600,000.00).**

11 **“(D) IMPRISONMENT OF NOT LESS THAN ONE (1)**
12 **MONTH BUT NOT MORE THAN SIX (6) MONTHS, IF THE**
13 **VALUE OF THE TIMBER OR FOREST PRODUCTS**
14 **ILLEGALLY CUT, GATHERED, COLLECTED, REMOVED**
15 **OR POSSESSED IS MORE THAN FIVE THOUSAND PESOS**
16 **(P5,000.00) BUT DOES NOT EXCEED TWENTY THOUSAND**
17 **PESOS (P20,000.00).**

18 **“(E) IMPRISONMENT OF NOT MORE THAN THIRTY**
19 **(30) DAYS OR A FINE OF NOT MORE THAN FIVE**
20 **THOUSAND PESOS (P5,000.00), IF THE VALUE OF THE**
21 **TIMBER OR FOREST PRODUCTS ILLEGALLY CUT,**
22 **GATHERED, COLLECTED, REMOVED OR POSSESSED IS**

1 **NOT MORE THAN FIVE THOUSAND PESOS (P5,000.00),**
2 **AND THE OFFENDER SHALL HAVE ACTED UNDER THE**
3 **IMPULSE OF HUNGER, POVERTY, OR THE DIFFICULTY**
4 **OF EARNING A LIVELIHOOD FOR THE SUPPORT OF**
5 **HIMSELF OR HIS FAMILY.**

6 *“Provided, That in the case of partnerships, associations, or*
7 *corporations, the officers who ordered the cutting, gathering,*
8 *collection or possession shall be liable, and if such officers are*
9 *aliens, they shall, in addition to the penalty, be deported without*
10 *further proceedings on the part of the Commission on Immigration*
11 *and Deportation.*

12 “The court shall further order the confiscation in favor of the
13 government of the timber or any forest products cut, gathered,
14 collected, removed, or possessed as well as the machinery,
15 equipment, implements and tools illegally used in the area where the
16 timber or forest products are found.”

17 SEC. 2. Section 78 of the same Decree, is hereby further amended to read
18 as follows:

19 “SECTION 78. Unlawful Occupation or Destruction of Forest
20 Lands and Grazing Lands. – Any person who enters and occupies or
21 possesses, or makes kaingin for his own private use or for others, any
22 forest land or grazing land without authority under a license

1 agreement, lease, license or permit, or in any manner destroys such
2 forest land or grazing land or part thereof, or causes any damage to
3 the timber stand and other products and forest growth found therein,
4 or who assists, aids or abets any other person to do so, or sets a fire,
5 or negligently permits a fire to be set in any forest land or grazing
6 land, or refuses to vacate the area when ordered to do so, pursuant to
7 the provisions of Section 53 hereof shall, upon conviction, be fined
8 in an amount of not less than [~~five hundred pesos (P500.00)~~]
9 **TWENTY THOUSAND PESOS (P20,000.00)**, nor more than
10 [~~twenty thousand pesos (P20,000.00)~~] **SIX HUNDRED**
11 **THOUSAND PESOS (P600,000.00)** and imprisoned for not less
12 than six (6) months nor more than two (2) years for each such
13 offense and be liable to the payment to ten (10) times the rental fees
14 and other charges which would have accrued has the occupational
15 and use of the land been authorized under a license agreement, lease,
16 license or permit: *Provided*, That in the case of an offender found
17 guilty of making kaingin, the penalty shall be imprisonment for not
18 less than two (2) nor more than four (4) years and a fine equal to
19 eight (8) times the regular forest charges due on the forest products
20 destroyed, without prejudice to the payment of the full cost of
21 production of the occupied area as determined by the Bureau:
22 *Provided, further*, That the maximum of the penalty prescribed

1 herein shall be imposed upon the offender who repeats the same
2 offense and who commits the same offense and double the maximum
3 of the penalty upon the offender who commits the same offense for
4 the third time.

5 “xxx.”

6 “xxx.”

7 SEC. 3. Section 80 of the same Decree, is hereby further amended to read
8 as follows:

9 “SECTION 80. Illegal Occupation of National Parks System
10 and Recreation Areas and Vandalism Therein. – Any person who
11 shall, without permit, occupy for any length of time any portion of
12 the national parks system or shall, in any manner cut, destroy,
13 damage or remove timber or any species of vegetation or forest cover
14 and other natural resources found therein, or shall mutilate, deface or
15 destroy objects of natural beauty or of scenic value within areas in
16 the national parks system, shall be fined not less than [~~five hundred~~
17 (~~P500.00~~) pesos] **TWENTY THOUSAND PESOS (P20,000.00)** or
18 more than [~~twenty thousand (P20,000.00) pesos~~] **SIX HUNDRED**
19 **THOUSAND PESOS (P600,000.00)** exclusive of the value of the
20 thing damaged. *Provided*, That if the area requires rehabilitation or
21 restoration as determined by the Director, the offender shall also be
22 required to restore or compensate for the restoration of the damage:

1 *Provided, further,* That any person who, without proper permit shall
2 hurt, capture or kill any kind of bird, fish or wild animal life within
3 the area in the national parks system shall be subject to the same
4 penalty. *Provided, finally,* That the Court shall order eviction of the
5 offender from the land and the forfeiture in favor of the government
6 of all timber or any species or vegetation and other natural resources
7 collected or removed, and any construction or improvement made
8 thereon by the offender. If the offender is an association or
9 corporation, the president or manager shall be directly responsible
10 and liable for the act of his employees or laborers.

11 “xxx.”

12 SEC. 4. Section 81 of the same Decree, is hereby further amended to read
13 as follows:

14 “SECTION 81. Destruction of Wildlife Resources. – Any
15 person violating the provisions of Section 55 of this Code, or the
16 regulations promulgated thereunder, shall be fined not less than [~~one~~
17 ~~hundred (P100.00) pesos~~] **FIVE THOUSAND PESOS (P5,000.00)**
18 for each such violation and in addition shall be denied a permit for a
19 period of three (3) years from the date of the violation.”

20 SEC. 5. Section 83 of the same Decree, is hereby further amended to read
21 as follows:

1 “SECTION 83. Misclassification and Survey by Government
2 Official or Employee. – Any public officer or employee who
3 knowingly surveys, classifies, or recommends the release of forest
4 lands as alienable and disposable lands contrary to the criteria and
5 standards established in this Code, or the rules and regulations
6 promulgated hereunder, shall, after an appropriate administrative
7 proceeding, be dismissed from the service with prejudice to re-
8 employment, and upon conviction by a court of competent
9 jurisdiction, suffer an imprisonment of not less than one (1) year and
10 a fine of not less than [~~one thousand, (P1,000.00)~~ pesos] **ONE**
11 **HUNDRED THOUSAND PESOS (P100,000.00)**. The survey,
12 classification or release of forest lands shall be null and void.”

13 SEC. 6. Section 85 of the same Decree, is hereby further amended to read
14 as follows:

15 “SECTION 85. Coercion and Influence. – Any person who
16 coerces, influences, abets or persuades the public officer or employee
17 referred to in Sections 74 and 75 commit any of the acts mentioned
18 therein shall suffer imprisonment of not less than one (1) year and
19 pay a fine of [~~five hundred (P500.00)~~ pesos] **TWENTY**
20 **THOUSAND PESOS (P20,000.00)** for every hectare or a fraction
21 thereof so improperly surveyed, classified or released.

1 “In all other cases, any person who coerces, influences, abets or
2 persuades the public officer or employee by using power and
3 influence in deciding any pending case or matter in his favor shall be
4 punished by a fine of not more than [~~five thousand pesos~~
5 ~~(P5,000.00)~~] **ONE HUNDRED THOUSAND PESOS**
6 **(P100,000.00)** and imprisonment of not less than one (1) year.”

7 SEC. 7. Section 86 of the same Decree, is hereby further amended to read
8 as follows:

9 “SECTION 86. Unlawful Possession of Implements and
10 Devices Used by Forest Officers. – Imprisonment for a period of not
11 less than (2) nor more than four (4) years and a fine of not less than
12 [~~one thousand pesos (P1,000.00)~~] **TWENTY THOUSAND PESOS**
13 **(P20,000.00)**, nor more than [~~ten thousand (P10,000.00) pesos~~] **ONE**
14 **HUNDRED THOUSAND PESOS (P100,000.00)** in addition to the
15 confiscation of such implements and devices, and the automatic
16 cancellation of the license agreement, lease, license or permit, if the
17 offender is a holder thereof, shall be imposed upon any person who
18 shall, without authority from the Director or his authorized
19 representative, make, manufacture, or has in his possession any
20 government marking, hatchet or other marking implement, or any
21 marker, poster, or other devices officially used by officers of the
22 Bureau for the marking or identification of timber or other products,

1 or any duplicate, counterfeit, or imitation thereof, or make or apply a
2 government mark on timber or any other forest products by means of
3 any authentic or counterfeit device, or alter, deface, or remove
4 government marks or signs, from trees, logs, stumps, firewoods or
5 other forest products, or destroy, deface, remove or disfigure any
6 such mark, sign, poster or warning notices set by the Bureau to
7 designate the boundaries of cutting areas, municipal or city forest or
8 pasture, classified timber land, forest reserve, and areas under the
9 national park system or to make any false mark or imitation of any
10 mark or sign herein indicated; *Provided*, That if the offender is a
11 corporation, partnership or association, the officers and directors
12 thereof shall be liable.

13 SEC. 8. Section 87 of the same Decree, is hereby further amended to read
14 as follows:

15 “SECTION 87. Payment, Collection and Remittance of Forest
16 Charges. – Any person who fails to pay the amount due and payable
17 under the provisions of this Code, the National Internal Revenue
18 Code, or the rules and regulations promulgated thereunder, shall be
19 liable to the payment of a surcharge of twenty-five per centum (25%)
20 of the amount due and payable.

21 “Any person who fails or refuses to remit to the proper
22 authorities said forest charges collectible pursuant to the provisions

1 of this Code or the National Internal Revenue Code, or who delays,
2 obstructs or prevents the same, or who orders, causes or effects the
3 transfer or diversion of the funds for purposes other than those
4 specified in this Code, for each such offense shall, upon conviction,
5 be punished by a fine of not exceeding ~~[one hundred thousand pesos~~
6 ~~(P100,000.00)]~~ **ONE MILLION PESOS (P1,000,000.00)** and/or
7 imprisonment for a period of not exceeding six (6) years in the
8 discretion of the Court. If the offender is a government official or
9 employee, he shall, in addition, be dismissed from the service with
10 prejudice to reinstatement and with disqualification from holding any
11 elective or appointive office.

12 “If the offender is a corporation, partnership or association, the
13 officers and directors thereof shall be liable.”

14 SEC. 9. Section 88 of the same Decree, is hereby further amended to read
15 as follows:

16 “SECTION 88. Sale of Wood Products. – No person shall sell
17 or offer for sale any log, lumber, plywood or other manufactured
18 wood products in the international or domestic market unless he
19 complies with grading rules and established or to be established by
20 the Government.

21 “XXX.

22 “XXX.

1 “Every dealer in lumber and other building material covered by
2 this Code shall issue an invoice for each sale of such material and
3 such invoice shall state that the kind, standard and size of material
4 sold to each purchaser is exactly the same as described in the
5 invoice. Any violation of this Section shall be sufficient ground for
6 the suspension of the dealer’s license for a period of not less than
7 two (2) years and, in addition thereto, the dealer shall be punished for
8 each such offense by a fine of not less than [~~two hundred pesos~~
9 ~~(P200.00)] **TWENTY THOUSAND PESOS (P20,000.00)** or the
10 total value of the invoice, whichever is greater.”~~

11 SEC. 10. All other laws, decrees or rules and regulations inconsistent
12 with this Act are hereby repealed or modified accordingly.

13 SEC. 11. This Act shall take effect fifteen (15) days after its
14 publication in the *Official Gazette* or in a newspaper of general circulation.

15 Approved,