

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO **115**



Introduced by **REPRESENTATIVE MARCELINO C. LIBANAN**

AN
ACT RECLASSIFYING AND CONVERTING CERTAIN PARCELS OF
TIMBERLANDS IN THE PROVINCE OF EASTERN SAMAR INTO ALIENABLE
AND DISPOSABLE PUBLIC LANDS

EXPLANATORY NOTE

The 1987 Constitution mandates Congress to delineate forest lands and national parks and to allocate alienable and disposable lands of the public domain to qualified applicants, in pursuit of the nation's economic development and social justice goals.

However, in the Province of Eastern Samar, this Constitutional mandate has regrettably been overlooked or deferred—often due to competing priorities and limited government resources. As a result, vast tracts of land in the province remain unclassified, underutilized, and unavailable for productive use.

In light of this, and following due deliberation, certain parcels of land in Eastern Samar have been identified for potential reclassification—from timberland to alienable and disposable land. This reclassification is a crucial step toward enabling responsible individuals and entities to legally acquire and develop these lands for agriculture, habitation, and other productive purposes that serve both local communities and the national interest.

Given the economic and developmental significance of this measure, the immediate passage of this bill is earnestly and strongly recommended.


MARCELINO C. LIBANAN
Representative
4Ps Partylist

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

SECTION 1. Title. – This Act shall be known as the *“Land Classification Act of Eastern Samar”*.

SECTION 2. Declaration of Policy. – Considering that natural resources are the main basis for national survival and land is the single biggest major resource of the nation, the framers of the 1987 Constitution deemed it important to include an Article on the National Economy and Patrimony in the 1987 Constitution. The natural resources in the National Territory consisting of land, sea, and air are the National Patrimony. The wealth of the Philippines in the lands and national public domain, agricultural, forest or timber, mineral lands, and national parks should be developed and utilized to sustain a National Economy that will assure people of peace and prosperity in the enjoyment of the blessings of democracy. Section 1, Article XII of the 1987 Constitution states that some general constitutional economic policies. There directives may be gleaned from this provision. First, it sets the dual goal of dynamic productivity and a more equitable distribution of what is produced. Second, it seeks complementarity between industrialization and agricultural development. Third, it is protective of Filipino enterprises and natural resources, ensuring that their development primarily benefits the Filipino people. Specifically, the goals of the national economy are three-fold: more equitable, distribution of opportunities, income and wealth is part of the promotion of Social Justice in Article XIII, which mandates Congress to give the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequities by equitably diffusing wealth and political power for the common good. Equitable distribution refers not only to the distribution among people and sectors of the economy but also to the distribution among geographic regions. This goal is constitutionally enunciated in the provisions relating to the State undertaking an agrarian reform program by law, the restriction that only public agricultural land may be disposed of.

Agricultural lands of the public domain may be further classified by law according to the uses which they may be devoted. Taking into account the requirements of conservation, ecology, and development, and subject to the requirements of agrarian reform, the Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held, or leased and the conditions therefor.

Article XII, Section 4 of the 1987 Constitution of the Philippines provides that Congress shall set specific limits of forest and national parks for conservation.

Forest lands are defined primarily by the 18% slope rule. Presidential Decree No. 705 as amended, prohibits the classification of lands of the public domain eighteen percent (18%) in slope or over as alienable and disposable. Yet there have been already instances when there have been exceptions declared and it is likely that there are more such areas. Land with 18% slope or more were still to be declared alienable and disposable if they are met any or all of the following criteria: (1) developed area planned to agricultural crops using effective erosion control policies or measures like terracing; and/or (2) established and developed townsite within barangays or communities where basic structures, e.g. roads, schools, churches are already existing.

SECTION 3. *The Permanent Forest Land in Eastern Samar.* – The forestlands within the Province of Eastern Samar as previously classified and defined on certified land classification maps finally exclude areas identified for alienation and disposition per DAO – 2008-24 of the Department of Environment and Natural Resources (DENR) as defined in Section 5.

SECTION 4. *Definition of Terms.* – The following terms as used in these Act shall be defined as follows:

- a) Agricultural lands – refer to alienable and disposable lands of public domain which have been the subject of the land classification system and declared as not needed for forest purposes.
- b) Forest lands – includes the public forest, the permanent forest, and forest reservations.
- c) Land Classification Map – a map showing the classification of lands of the public domain based on the land classification system undertaken by the then Department of Agriculture and Natural Resources, through the Bureau of Forestry, the Ministry of Natural Resources, the Bureau of Forest Development and the Department of Environment and Natural Resources.
- d) Protected Area – shall refer to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biodiversity and protected against destructive human exploitation;
- e) Public forests – shall refer to the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest purposes and which are not.
- f) Watershed – shall refer to a land area drained by a stream or fixed body of water and its tributaries having outlet for surface run-off.

SECTION 5. *Alienation and Disposition of the Agricultural Land.* The DENR shall alienate the agricultural land described in Section 5 hereof. For purposes of this Act, a free patent shall be issued to the land claimant and/or applicant for agriculture or residential purpose who has continuously cultivated and/or occupied either by himself or herself or

through his or her predecessors-in-interest or who shall have paid the real estate tax thereon while the same has not been occupied by any other person for at least ten (10) years prior to the approval of this Act, not to exceed twelve (12) hectares per applicant: *Provided*, That prior to the distribution of the lands to private individuals, the DENR shall reserve lands or loss to the concerned municipalities, the provincial government of Eastern Samar and other agencies of the national government for essential public purposes and/or services such as school buildings, roads, public plazas, health centers and similar offices and purposes: *Provided, further*, That any title that may be issued over lands for public purpose shall be in the name of the Republic of the Philippines, *Provided, finally*, that stretch of land, twenty (20) meters width, from both banks of the rivers, creeks, and natural depression that serve as waterways shall be preserved as permanent forestland and shall be planted with indigenous tree species, to be maintained at all times by the DENR and the local government units of the Province of Eastern Samar. The provisions of Commonwealth Act of No. 141, otherwise known as the Public Land Act, as amended, not inconsistent herewith, shall be applicable.

SECTION 6. *Preservation of Ecological Balance.* – The final use of the herein declared agricultural lands shall not in any way prejudice ecological balance, and the removal of timber and other forest products therein shall continue to be subject to forestry laws and regulations.

SECTION 7. *Non-Diminution of the Final Forestlands.* The demarcated final forestlands in the Province of Eastern Samar, pursuant to this Act, shall not be diminished nor reduced except by competent authority. The DENR and concerned local government units shall see to it that the vegetation therein shall be protected, preserved, and enhanced. To this end, no additional forest occupant shall be allowed entry thereto nor any type of additional human settlement permitted therein. Infrastructure projects shall not be constructed within the forestlands unless allowed by the Secretary after conducting an environmental impact assessment of the proposed project.

SECTION 8. *Issuance of Maps and Establishment of Boundaries on the Ground.* – Within six (6) months following the effectivity of this Act, the DENR shall issue the final land classification maps covering the Province of Eastern Samar and shall also establish the boundary on the ground between the permanent forest lands and agricultural lands with concrete minor monuments at corners, major monuments every one (1) kilometer, and visible cut lines, signboards and uniformly-spaced distinctive trees between the concrete monuments which shall be maintained at all times.

SECTION 9. *Implementing Rules and Regulations.* – Within six (6) months following the approval of this Act, the Secretary of the DENR shall issue the implementing orders, rules, regulations, and circulars necessary to effectively implement the provisions hereof.

SECTION 10. *Separability Clause.* -If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SECTION 11. *Repealing Clause.* – All laws, decrees, letters of instruction, executive orders, rules and regulations and other issuances or parts thereof in conflict or inconsistent with any provision of this Act.

SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,