

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2113



Introduced by Representative Jose Manuel F. Alba

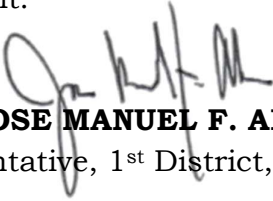
AN ACT
PROVIDING FOR THE DELINEATION OF THE SPECIFIC FOREST LIMITS
OF THE PUBLIC DOMAIN AND FOR OTHER PURPOSES

EXPLANATORY NOTE

One of the key legislative agenda of the DENR under the Climate Change and Mitigation Cluster is the delineation of Specific Forest Limits. The same is also included in the Philippine Development Plan under the past administration. This policy direction intends to pursue the action plan by identifying and providing the specific boundaries limits its of forestlands per province and delineate areas in which no other land use may prevail.

This measure puts flesh to the Constitutional mandate of ascertaining the specific boundaries of forest and protected areas, with the objective of conserving and protecting these areas from further degradation. This measure also proposes to establish a National Review and Evaluation Committee to conduct competent review, assessment, and validation of existing boundaries of forest lands, and shall recommend to Congress such boundaries.

For the foregoing reasons, the immediate consideration and approval of this bill is earnestly sought.


JOSE MANUEL F. ALBA
Representative, 1st District, Bukidnon

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

SECTION 1. *Short Title* - This Act shall be known as the "Forestland Limits Act".

SEC. 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, Section 4 of Article XII of the Constitution mandates Congress to determine by law the specific limits of forestlands and national parks marking clearly their boundaries on the ground.

SEC. 3. *Definition of Terms* - As used in this Act:

- a) *“Agricultural lands”* refer to alienable and disposable lands of the public domain which have been the subject of the land classification system and declared as not needed for forest purposes;
- b) *“Delimitation”* refers to the establishment of permanent boundary monuments of forestland through land survey in accordance with existing standards and practices;
- c) *“Delineation”* refers to the conduct of site investigation, field reconnaissance and assessment, and staking of boundaries between forestlands, national parks and agricultural lands verified in the field in accordance with the criteria set forth under Department of Environment and Natural Resources Administrative Order No. 2008-24;
- d) *“Forest”* refers to a land with an area of more than 0.5 hectare and tree crown cover Of equivalent stocking level of more than ten percent (100/0) with trees at a minimum height of five (5) meters at maturity, in situ. It consists either of closed forest formations, where trees of various stories and undergrowth cover a high proportion of the ground or more than forty percent (40%), or open formations with a continuous vegetation cover in which tree crown cover exceeds ten percent (100/0) but less than forty percent (40%). Young natural stands and all plantations established for forest purposes, which are yet to reach a crown density of more than ten percent (10%) or tree height of five (5) meters are included under forests.

- e) *“Forest Reservations”* refer to forestlands which have been reserved by the President of the Philippines for any specific purpose or purposes;
- f) *“Production”* forest lands refer to forestlands available for timber and agro-forestry production, range lands for grazing and other forest lands special uses;
- g) *“Protected Area”* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- h) *“Protection forest”* lands refer to all areas within the forestlands devoted primarily for the protection, conservation of forest resources to ensure environmental stability, conservation of biological diversity, improvement of ecosystem functions and services, and provision of ecological and economic benefits. All mossy and primary or old growth forests and natural beach, key biodiversity areas, areas which are highly erodible or too rocky for establishment as production regardless of slope and vegetation cover that are developed for the principal objective of establishing vegetative cover to prevent erosion, conserve water and nurture wildlife, freshwater, swamps, and marshes, all areas along the bank of the rivers and streams, and the shores of the seas and lakes throughout their entire length and within the 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 such as for recreation, settlements, navigation, floatage, fishing or salvage shall also be sub-classified as protection

forestlands. Cutting of trees and mining are banned in these protection forestlands: Provided, That the provisions of the Republic Act No. 8371, the Indigenous People's Rights Act (IPRA) and Republic Act No. 7586, the National Integrated Protected Areas System (NIPAS) Act shall be respected.

- i) *“Tenured migrant communities”* refer to communities within forestlands which have actually and continuously occupied such areas for five (5) years before the designation of the same as forestlands in accordance with this Act and are solely dependent therein for subsistence.

SEC. 4. *Forestlands* – The following shall constitute forestlands:

- a) All lands of the public domain already classified as forestland based on 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 ked* 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 forestland by the DENR.

SEC. 5. *Determining the Specific Limits of Forestlands.* – 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 (UDs) 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;
- c) The same process shall be followed by other provinces with on—going assessments and delineation activities until such time that all the boundaries of forestlands 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.

SEC. 6. *National Review and Evaluation Committee* – Pursuant to the mandate embodied in Section 4, Article XII of the Constitution, and in view of the urgent need to establish the permanent limits of the forestlands of the country, a National Review and Evaluation Committee, hereinafter to be referred to as the Committee, is hereby created to process, evaluate and approve all completed assessment and delineation reports referred to in the immediately preceding section. The Committee, in its evaluation and approval of the reports, shall adhere strictly to established laws, policies, rules, regulations and guidelines pertinent thereto.

The Committee shall be composed of the following:

- a) Secretary of the Department of Environment and Natural Resources (DENR) as Chairperson;
- b) Secretary of the Socioeconomic Planning and Director-General of the National Economic and Development Authority (NEDA) as Vice Chairperson;
- c) Secretary of the Department of 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;
and
- f) Chairman of the Housing and Urban Development Coordinating Council (HUDCC) as Member.

The assessment and delineation reports as approved by the Committee shall be adopted as constituting the final boundaries of the forestlands covered by the reports. The Committee shall submit to Congress the approved assessment and delineation reports for each province which shall thereafter form part of its official records.

SEC. 7. *Demarcation and Delimitation of Forestland Boundary* - Immediately after the passage of this Act, the forest line determined and established by the DENR shall be adopted as the forestland boundary of the country and all monuments established shall be deemed permanent. Maps of the forestland boundary prepared by the DENR shall be attached as an integral part of this Act for reference.

SEC. 8. *Permanency of the Specific Forestlands Limits*. – The permanent forestland established pursuant to this Act shall not be diminished nor reduced except by an act of Congress. The DENR, in coordination with all agencies and branches of government, shall see to it that the forest cover and vegetation therein shall be protected, preserved and enhanced.

SEC. 9. *Sub-classification of the Forestlands*. – The DENR shall undertake the sub classification of permanent forestlands into protection forests and production forests.

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 limits, the occupation by indigenous cultural communities/indigenous peoples and tenured migrants

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.

SEC. 11. *Accessibility of Records.* – All records and information pertaining to the specific forest limits delineated pursuant to this Act shall be made available to all local government units (LGUs), other government agencies, and to the general public.

SEC. 12. *Classification of Conflict by the Adjudication Board.* – 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 delineation of forest lands pursuant to this Act. The Board shall be composed of the following:

- a) Secretary of the Department of Justice (DOJ) 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

SEC. 13. *Powers and Functions of the Board.* – The Board shall have the following powers and functions:

- 1) Adjudicate cases on land conflicts;
- 2) Summon witnesses, administer oaths, take testimony and require the 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 of equity shall not be controlling and it is the spirit and intention of this Act that shall govern.

The Board shall use every and all reasonable means to ascertain the facts in each case speedily and objectively. The findings of facts 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 on any 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.

SEC. 14. *Monitoring, Evaluation, and Reporting System.* – To attain the objectives of this Act, a field monitoring, evaluation, and reporting system shall be adopted by the Secretary of the DENR to regularly keep track of the state of the country's forestlands after their delineation and ensure that these lands are protected and conserved.

SEC. 15. *Appropriations.* – The Secretary of the DENR shall include in the Department's 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 in the annual General Appropriations Act. Funds for the implementation of the provisions of this Act shall be supplemented from 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 limits within their respective territorial jurisdictions.

SEC. 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 its implementation.

SEC. 17. *Separability Clause.* — When any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 18. *Repealing Clause.* – All laws, decrees, letters of instruction, executive orders, rules and regulations, and other issuances of parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,