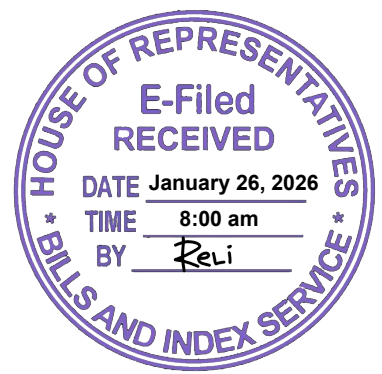


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 7256

EXPLANATORY NOTE

The Philippines has a total land area of approximately 30 million hectares (ha). Of which, 14.2 million ha are classified as alienable and disposable lands (A&D) while about 15.8 million ha are forest lands. Formal recording and public access on information on lands through a cadastre is limited only to the A&D lands while the forest lands are not part of such system. Information on forest lands is not formally recorded in a public registry making it hardly accessible. Tenorial instruments and other forms of agreements or contracts in forest lands are neither registered, systematically surveyed, nor parcelized. Tenorial instruments and resource access contracts are difficult to verify and are subject to unnecessary verification and vettings.

A critical factor in the success of sustainable forest management in the Philippines is a well-defined and secured property rights. The forest cadastre aims to establish an appropriate administration system for forest lands for formally delineating and recording rights, land values, suitable land uses, and other land-related information. This will guarantee the right and security of tenure, provide security for credit, reduce land disputes, and ensure protection and sustainable management of forest lands and the resources therein. It shall also facilitate and accelerate the settlement of claims and conflicts and provide economic data relevant to planning and development in forest lands.

The purpose of this Act is to strengthen tenure security and rights in forest lands by establishing a forest cadastre that would be integrated into the existing national land cadastre system. This is expected to contribute to the government's goal of effective, efficient, and sustainable management of forest lands.

In view of this, the early passage of this bill is sought.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 7256

AN ACT
TO INCLUDE FOREST LANDS IN THE EXISTING NATIONAL CADASTRAL
SYSTEM, PROVIDING FOR ITS PROCEDURES AND FOR OTHER PURPOSES

*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 “Forest Land Cadastral Act”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to preserve, conserve and sustainably develop and manage the country’s forest lands to contribute to the development of the national wealth and to provide the current needs of the country as well as that of future generations. It is also the declared policy of the State to create a complete cadastral system that includes all classifications of lands and the tenures or titles issued thereat.

SECTION 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. Ancestral domain- refers to all areas generally belonging to indigenous cultural communities (ICCs) and/or indigenous peoples (IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- c. Ancestral lands- refer to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.

- d. Delineation – refers to the conduct of site investigation, field reconnaissance and assessment, and staking of boundaries among forest lands, national parks/protected areas, mineral lands and agricultural lands verified in the field in accordance with the criteria set forth under the existing rules and regulations of the DENR.
- e. Forest block- is an area of contiguous forest land measuring fifteen (15) seconds of latitude and fifteen (15) seconds of longitude at approximately 20.7 hectares per block.
- f. Forest cadastre- is a registry containing official, legal documentation concerning the quantity, dimension, location, value, existing tenure, and other information unique for the forest land parcel.
- g. Forest compartment- is the basic territorial unit of measurement permanently defined for the purpose of location, description, and record, and as a basis for forest management.
- h. Forest land- includes the public forest, the permanent forest or forest reserves, forest reservations, and all other lands not classified as agricultural lands, mineral lands, and national parks.
- i. Mineral land- means any area where mineral resources are found.
- j. National park- refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas.
- k. Non-alienable and disposable lands- all lands that are not agricultural in classification.
- l. 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.

SECTION 4. *Forest Land Delineation.* – The delineation of forest lands as completed by the Department of Environment and Natural Resources (DENR) and submitted to Congress is hereby adopted. Provided that all vested rights prior to delineation within forest lands are recognized. Forest lands categorized as public forest lands shall not be reclassified, except through an Act of Congress.

SECTION. 5. *Establishment of the Forest Cadastre.* –The DENR shall update its existing cadastre to include parcels with existing tenure agreements in non-alienable and disposable lands within a city or municipality. Untenured forest lands shall also be reflected to complete the cadastral map.

SECTION 6. *How the Survey Shall Be Conducted.* – The conduct of survey for the establishment of the cadastre shall be guided by the following:

1. Duly licensed geodetic engineers who are in the service of the DENR, employed or contracted out, or any other authorized geodetic engineers may undertake the survey of forest lands, subject to the administrative direction, control, and supervision of the DENR.
2. All existing tenure holders shall be notified and requested to provide relevant data on their tenure. Local government units, NCIP, and DENR offices shall also be notified and requested to provide relevant information. It shall be the duty of every tenure holder or every person claiming an interest in the forest land to be surveyed to communicate to the DENR all information possessed by such person concerning the boundary lines of the particular portion of the forest land.
3. All existing tenures in non-alienable and disposable lands shall be plotted and included in the existing cadastral survey system within a city or municipality.

4. It shall be lawful for duly licensed geodetic engineers and other employees of the DENR to enter forest lands whenever necessary for the surveying and establishment of monuments.
5. All survey plans shall be submitted to the unit in-charge of surveys at the regional office of the DENR. Such submission shall be subject to the process of inspection, verification and approval of surveys, and shall be projected in the same projection map used for alienable and disposable lands.
6. Any person who shall interfere with the conduct of surveys pursuant to this law, or deface, destroy, remove or otherwise alter established survey monuments shall be penalized with a fine of not less than one hundred thousand pesos (P100,000.00) but not more than five hundred thousand pesos (P500,000.00), or imprisonment of not less than six (6) months but not exceeding six (6) years, or both, at the discretion of the court.

SECTION 7. *Registration of Tenure Instruments.* – All identified tenure instruments and those that may be issued after the effectivity of this Act shall be registered with the Registry of Deeds of the locality where the forest land is located.

SECTION 8. *Identification of Forest Blocks and Compartments.* – The DENR shall divide the identified forest lands, protected area and national parks, and mineral lands into forest blocks for a more efficient resource management. The size of forest compartments shall be determined by the DENR. Such blocks shall be reflected on the maps.

SECTION 9. *National Parks and Protected Areas.* – All protected areas and national parks shall be included in the cadastre. Existing surveys covering areas under the National Integrated Protected Area Systems (NIPAS) Act of 1992 and the Expanded National Integrated Protected Area Systems Act of 2017 shall be included in the cadastre.

SECTION 10. *Mineral Lands.* – All mineral lands shall be included in the cadastre. Existing surveys covering areas under the People's Small-scale Mining Act of 1991 and the Philippine Mining Act of 1995 shall be included in the cadastre.

SECTION 11. *Proclamations and Reservations.* – All existing proclamations and reservations within forest lands that are not included in the NIPAS Act of 1992, E-NIPAS Act of 2017, People's Small-scale Mining Act of 1991, and the Philippine Mining Act of 1995 shall be included in the cadastre.

SECTION 12. *Ancestral Domains and Ancestral Lands.* – All surveys covering areas under the Indigenous People's Rights Act of 1997 shall be included in the forest cadastre and shall be reflected in the maps. For this purpose, the National Commission on Indigenous Peoples (NCIP) is required to submit all of its delineation surveys to the DENR for inclusion in the cadastre, including those that will be approved by the NCIP subsequent to this Act.

SECTION 13. *Access To Forest Land Information.* – The DENR shall share and provide access to all available forest land information to other government agencies, local government units, and the transacting public for the efficient management and sustainable utilization of forest lands and the resources therein. Cadastral information may also be shared to banks and other non-bank financial institutions for the purpose of providing access to credit and other financial services and facilities subject to existing data privacy rules and regulations.

SECTION 14. *Integrity of Forest Land Information.* – The DENR shall ensure the integrity of forest land information through continuous updating of data, system maintenance, and cleansing of forest land records of inconsistencies, duplications, errors and fraud. Budget shall be allocated annually for this purpose.

SECTION 15. *Security of Forest Land Information.* – At all DENR sites, there will be appropriate security arrangements on access to the network and database, anti-virus protection, on-site and off-site backup of databases, and other related system administration arrangements. All systems will include an audit trail of persons who made changes to the key data in the database.

SECTION 16. *Funding.* –Initial funds shall be sourced from savings of the DENR for the current year and thereafter shall be included yearly in the General Appropriations Act.

SECTION 17. *Implementing Rules and Regulations.* –The DENR shall promulgate rules and regulations to carry out the provisions of this Act within 120 days from approval hereof.

SECTION 18. *Repealing Clause.* – All laws, decrees, executive order, executive issuances or letters of instruction, rules and regulations or any part thereof inconsistent to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

SECTION 19. *Separability Clause.* – If, for any reason or reasons, any part or parts of this Act shall be declared unconstitutional or invalid by any competent court, other parts of this Act not so declared shall continue to be in full force and effect.

SECTION 20. *Effectivity Clause.* – This Act shall take effect fifteen days (15) after its publication in two (2) newspapers of general education.

Approved,