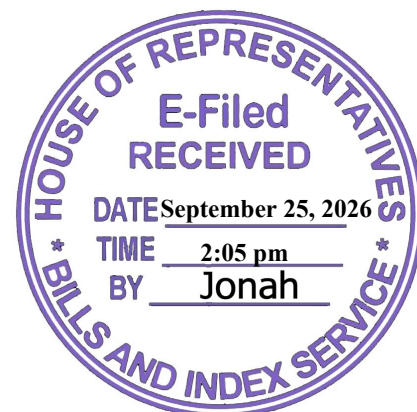


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
*Second Regular Session*

**House Bill No. 11477**



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**Introduced by Representative Timothy Joseph Cayton**

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**EXPLANATORY NOTE**

Section 4, Article XII of the 1987 Constitution directs that the Congress shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground, and that thereafter such forest lands may not be diminished except by law. That mandate is not merely an allocation of power; it is the only door through which the situation this measure addresses can be resolved.

In the Municipality of Kasibu, Province of Nueva Vizcaya, communities have for generations built their homes, planted their rice, banana and citrus, and raised their children on land that the State still carries on its maps as forest. The Department's own field assessment describes the covered areas as occupied by the community for residential, agricultural and agro-forest purposes, containing scattered residential houses occupied by farmers, with actual use recorded as agricultural, agroforest, rice field, banana and citrus plantations. They cannot obtain a title. They cannot pledge the land for a loan, pass it to their children with certainty, or be secure against displacement. The local government cannot assess the land for real property tax, so the municipality earns nothing from land it must nonetheless serve with roads, water and schools. For the Province as a whole, the Forest Management Bureau records that the conversion proposed here would reduce forest land by about six hundredths of one percent, leaving the provincial forest estate substantially intact.

This bill reclassifies two (2) parcels of forestland in the Province of Nueva Vizcaya, described by metes and bounds as certified by the Department of Environment and Natural Resources, into alienable and disposable public land, and opens them to disposition under the Public Land Act. It deliberately does three further things. It carries forward, as statutory exclusions, the protections of Section 16 of the Revised Forestry Code — the twenty-metre riverbank strips, the ridge tops and plateaus from which headwaters emanate, and the other areas needed for forest purposes — so that reclassification does not become deforestation. It excludes from coverage any land within an ancestral domain, ancestral land, Certificate of

Ancestral Domain Claim or Certificate of Ancestral Domain Title, and requires certification by the National Commission on Indigenous Peoples before any segregation survey may proceed, in recognition that land held by indigenous cultural communities under native title has never been public land at all. And it requires that the boundaries between the reclassified land and the forestland that remains be marked on the ground with concrete monuments and maintained there, which is what Section 4, Article XII actually commands and what decades of paper-only classification have failed to deliver.

Considering the potential economic, social and developmental benefits of the proposed measure, its immediate passage is respectfully and strongly recommended.

  
**ATTY. TIMOTHY JOSEPH E. CAYTON, PhD.**  
*Representative*  
Lone District of Nueva Vizcaya

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

Twentieth Congress  
*Second Regular Session*

House Bill No. 11477

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**Introduced by Representative Timothy Joseph Cayton**

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**AN ACT PROVIDING FOR THE RECLASSIFICATION AND CONVERSION  
OF CERTAIN PARCELS OF FORESTLAND IN THE PROVINCE OF NUEVA  
VIZCAYA INTO ALIENABLE AND DISPOSABLE PUBLIC LANDS**

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

**SECTION 1. Declaration of Policy.** – It is hereby declared the policy of the State to conserve and protect the nation's forest lands as part of its patrimony, and, consistent with that duty, to determine by law the specific limits of such forest lands and to release from them only those areas which, by reason of long and actual human settlement, cultivation and use, no longer serve forest purposes. It is further the policy of the State to promote social justice and security of tenure for actual occupants and tillers of lands of the public domain, to respect the rights of indigenous cultural communities and indigenous peoples to their ancestral domains and ancestral lands, and to ensure that the reclassification of forestland does not impair watersheds, riverbanks, headwaters, or the ecological balance of the areas concerned.

**SECTION 2. Definition of Terms.** – As used in this Act:

- (a) *Alienable and disposable land* refers to land of the public domain classified as agricultural land and declared available for alienation and disposition under Commonwealth Act No. 141, as amended, otherwise known as the Public Land Act;
- (b) *Forestland* refers to land of the public domain which has not been declared alienable and disposable, and which is subject to the system of land classification administered under Presidential Decree No. 705, as amended, otherwise known as the Revised Forestry Code of the Philippines;
- (c) *Ancestral domain* and *ancestral land* have the meanings assigned to them in Republic Act No. 8371, otherwise known as the Indigenous Peoples' Rights Act of 1997;
- (d) *Segregation survey* refers to the ground survey conducted by the Department of Environment and Natural Resources to delimit,

on the ground, the parcels reclassified under this Act and to separate them from the forestland that remains; and

- (e) *Land classification map* refers to the official map issued by the Department of Environment and Natural Resources delineating the classification of lands of the public domain.

**SECTION 3. Scope and Coverage.** – Subject to Sections 4, 5 and 6 of this Act, the two (2) parcels of land of the public domain situated in the Province of Nueva Vizcaya, presently classified as forestland and more particularly described hereunder, are hereby reclassified and converted into alienable and disposable public land, and are declared agricultural land open to disposition under the Public Land Act.

The aggregate area of the parcels reclassified under this Act shall be that determined by the segregation survey conducted under Section 10 hereof, and shall be stated in the final land classification maps issued thereunder.

**PARCEL A.** – Corner 1 is N59°36'04.67"E, 11593.22 m from BLLM No. 1, PLS-18, Municipality of Kasibu, Province of Nueva Vizcaya:

| Line  | Direction      | Distance (m) |
|-------|----------------|--------------|
| 1-2   | N46°00'58.77"E | 205.14       |
| 2-3   | N3°12'44.96"E  | 303.66       |
| 3-4   | N66°05'16.22"W | 294.46       |
| 4-5   | N49°03'44.90"W | 324.46       |
| 5-6   | N32°48'45.20"W | 374.82       |
| 6-7   | N71°59'42.77"E | 236.89       |
| 7-8   | N4°08'26.06"W  | 368.72       |
| 8-9   | N20°35'48.80"E | 432.14       |
| 9-10  | N13°33'32.65"W | 200.13       |
| 10-11 | N67°38'23.22"W | 274.7        |
| 11-12 | N62°26'41.55"W | 214.29       |
| 12-13 | N78°31'42.80"W | 340.49       |
| 13-14 | N28°20'35.27"E | 389.46       |
| 14-15 | N82°18'37.21"E | 109.75       |
| 15-16 | S73°08'48.32"E | 242.54       |
| 16-17 | S51°21'26.68"E | 222.53       |
| 17-18 | S71°45'52.94"E | 225.29       |
| 18-19 | S66°52'57.02"E | 144.2        |
| 19-20 | S66°52'56.85"E | 138.22       |
| 20-21 | S71°40'37.61"E | 261.82       |
| 21-22 | S28°50'45.51"E | 175.99       |
| 22-23 | S45°52'10.71"W | 245.1        |
| 23-24 | S11°47'56.62"E | 163.4        |
| 24-25 | S33°45'57.07"W | 181.32       |
| 25-26 | S57°24'03.21"W | 239.65       |
| 26-27 | S29°41'35.33"W | 197.53       |

|       |                |        |
|-------|----------------|--------|
| 27-28 | S32°24'16.28"E | 303.62 |
| 28-29 | S9°32'12.57"E  | 155.53 |
| 29-30 | S27°42'49.58"E | 177.2  |
| 30-31 | S22°29'48.20"E | 182.89 |
| 31-32 | S27°37'43.32"E | 181.26 |
| 32-33 | S22°09'21.82"W | 259.29 |
| 33-34 | S28°37'42.40"E | 106.71 |
| 34-35 | S87°50'15.23"E | 146.64 |
| 35-36 | S69°17'37.10"W | 273.68 |
| 36-37 | S33°54'55.47"W | 100.69 |
| 37-38 | N66°59'42.04"W | 162.56 |

**PARCEL B.** – Corner 1 is N63°15'23.49"E, 11,262 m from BLLM No. 1, PLS-18, Municipality of Kasibu, Province of Nueva Vizcaya:

| <b>Line</b> | <b>Direction</b> | <b>Distance (m)</b> |
|-------------|------------------|---------------------|
| 1-2         | N40°08'34.56"E   | 236.13              |
| 2-3         | N86°31'15.73"E   | 216.28              |
| 3-4         | N73°18'49.49"E   | 266.48              |
| 4-5         | N21°22'46.87"E   | 299.72              |
| 5-6         | N29°05'56.94"W   | 279.29              |
| 6-7         | S57°41'06.34"E   | 284.5               |
| 7-8         | N51°51'36.75"E   | 118.92              |
| 8-9         | N9°15'50.79"W    | 187.1               |
| 9-10        | N64°56'07.18"E   | 255.81              |
| 10-11       | S33°40'19.06"E   | 407.32              |
| 11-12       | S3°15'52.07"W    | 269.6               |
| 12-13       | S31°57'47.91"W   | 327.54              |
| 13-14       | N59°53'19.72"W   | 97.63               |
| 14-15       | S79°25'02.07"W   | 164.61              |
| 15-16       | S51°52'04.04"W   | 86.79               |
| 16-17       | S1°46'25.51"W    | 129.76              |
| 17-18       | S89°26'11.20"W   | 66.15               |
| 18-19       | N47°44'17.87"W   | 147.91              |
| 19-20       | S75°24'00.70"W   | 87.27               |
| 20-21       | N71°51'52.72"W   | 181.56              |
| 21-22       | S32°35'00.28"W   | 154.85              |
| 22-23       | S56°38'15.02"W   | 250.44              |
| 23-1        | N35°16'31.39"W   | 217.76              |

The technical descriptions set out above are transcribed verbatim from the certified technical descriptions furnished by the Department of Environment and Natural Resources, and shall be read and applied as so furnished. In case of variance between the technical descriptions and the segregation survey conducted under Section 10 of this Act, the parcels as monumented on the ground pursuant to that survey shall govern.

**SECTION 4. Areas Excluded from Coverage.** – The following are excluded from the operation of Section 3 of this Act, shall not be reclassified, and shall be retained and maintained as permanent forestland notwithstanding their location within the parcels described therein:

- (a) Twenty-metre (20 m) strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) metres wide;
- (b) Ridge tops and plateaus, regardless of size, found within or surrounded wholly or partly by forest lands where headwaters emanate;
- (c) Areas which have already been reforested;
- (d) Land fifty percent (50%) in slope or over;
- (e) Appropriately located road rights-of-way;
- (f) Areas needed for other public purposes, including national parks, national historical sites, game refuges and wildlife sanctuaries, forest station sites, and areas previously proclaimed by the President as forest reserves, national parks, game refuges, bird sanctuaries, national shrines or national historic sites;
- (g) Any land within an ancestral domain or ancestral land, or within an area covered by a Certificate of Ancestral Domain Claim or a Certificate of Ancestral Domain Title issued under Republic Act No. 8371; and
- (h) Any land within a protected area established under Republic Act No. 7586, as amended by Republic Act No. 11038, otherwise known as the Expanded National Integrated Protected Areas System Act of 2018, or within any watershed forest reserve established by law or by proclamation.

The Department of Environment and Natural Resources shall delimit the areas excluded under this Section in the course of the segregation survey, and shall reflect them in the final land classification maps: *Provided*, That the penal and regulatory provisions of Presidential Decree No. 705, as amended, and of Republic Act No. 9175, otherwise known as the Chain Saw Act of 2002, shall continue to apply to the areas so excluded.

**SECTION 5. Non-Application of Section 15 of Presidential Decree No. 705.** – Section 15 of Presidential Decree No. 705, as amended, insofar as it prohibits the classification as alienable and disposable of land of the public domain eighteen percent (18%) in slope or over, shall not apply to the parcels described in Section 3 of this Act. This Section shall be construed strictly and shall not be applied to any land other than the parcels described in Section 3: *Provided*, That land fifty percent (50%) in slope or over remains excluded from reclassification under Section 4(d) hereof: *Provided, further*, That the Department of Environment and Natural Resources shall, in the segregation survey, identify the portions of each parcel that are eighteen percent (18%) in slope or over and shall prescribe, in the implementing rules issued under Section 11 hereof, the soil and water conservation measures required of occupants of those portions as a condition of disposition.

**SECTION 6. Conditions Precedent to Segregation.** – No segregation survey shall be commenced and no portion of the parcels described in Section 3 shall be opened to disposition until the following have been obtained and transmitted to the Secretary of the Department of Environment and Natural Resources:

- (a) A certification by the National Commission on Indigenous Peoples that the parcel concerned does not overlap any ancestral domain, ancestral land, Certificate of Ancestral Domain Claim or Certificate of Ancestral Domain Title: *Provided*, That where an overlap is found, the overlapping portion shall be excluded under Section 4(g) hereof, and no disposition shall proceed as to that portion except upon the free and prior informed consent of the indigenous cultural community or indigenous people concerned, obtained in accordance with Republic Act No. 8371 and its implementing rules;
- (b) A certification by the Mines and Geosciences Bureau identifying any existing mineral agreement, financial or technical assistance agreement, exploration permit or other mining tenement overlapping the parcel concerned;
- (c) A certification by the Department of Environment and Natural Resources that no portion of the parcel concerned lies within a protected area established under Republic Act No. 7586, as amended by Republic Act No. 11038, or within a watershed forest reserve established by law or by proclamation; and
- (d) A resolution of the Sangguniang Bayan of the municipality concerned and of the Sangguniang Panlalawigan of the Province of Nueva Vizcaya interposing no objection to the reclassification, consistent with Sections 26 and 27 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

**SECTION 7. Alienation and Disposition.** – The land reclassified under this Act shall be disposed of in accordance with Commonwealth Act No. 141, as amended, particularly by Republic Act No. 11573: *Provided*, That no person shall be granted an area exceeding twelve (12) hectares under this Act: *Provided, further*, That for purposes of the agricultural free patent under Section 44 of Commonwealth Act No. 141, as amended, occupation and cultivation of the land by the applicant or through the applicant's predecessors-in-interest prior to the effectivity of this Act shall be credited as though the land had been alienable and disposable throughout the period of such occupation and cultivation: *Provided, finally*, That nothing in this Act shall be construed as conveying any right to minerals, mineral oils, coal, petroleum or other mineral resources, which remain the property of the State under Section 2, Article XII of the Constitution.

No land acquired under this Act shall be sold, conveyed, encumbered or otherwise alienated within ten (10) years from the issuance of the patent, except in favour of the Government or of a government financial institution as security for an agricultural production loan. Land acquired in violation of

this Section, or land which the patentee has ceased to occupy and cultivate for two (2) consecutive years without lawful cause, shall revert to the State upon proceedings instituted by the Solicitor General.

**SECTION 8. Existing Rights and Tenorial Instruments.** – Vested rights, and rights acquired under a Certificate of Stewardship Contract, a Community-Based Forest Management Agreement, a forest land use agreement, a permit, a lease or any other tenorial instrument validly issued over any portion of the parcels described in Section 3 and subsisting at the effectivity of this Act, are hereby respected and shall continue in force according to their terms: *Provided*, That the holder of such an instrument who is a qualified applicant under Section 7 hereof may, at the holder's option, surrender the instrument and apply for a patent over the area covered by it, in which case the period of the holder's occupation under the instrument shall be credited under Section 7: *Provided, further*, That no such instrument shall be cancelled, and no holder shall be displaced, by reason of the reclassification effected by this Act.

**SECTION 9. Preservation of Ecological Balance and Non-Diminution of the Remaining Forestland.** – The forestland of the Province of Nueva Vizcaya that remains after the reclassification effected by this Act shall not be diminished except by law. The Department of Environment and Natural Resources and the local government units concerned shall protect and preserve the areas excluded under Section 4 hereof, and the removal of timber and other forest products therein shall remain subject to forestry laws and regulations. No infrastructure project shall be constructed within the areas so excluded except after an environmental impact assessment conducted in accordance with Presidential Decree No. 1586, and no additional human settlement shall be permitted therein except as allowed by the Secretary of the Department of Environment and Natural Resources.

**SECTION 10. Segregation Survey, Issuance of Maps and Establishment of Boundaries on the Ground.** – Within twelve (12) months from the effectivity of this Act, and upon compliance with Section 6 hereof, the Department of Environment and Natural Resources shall conduct the segregation survey of the parcels described in Section 3, shall issue the final land classification maps covering the Province of Nueva Vizcaya, and shall establish on the ground the boundary between the land reclassified under this Act and the forestland that remains.

The boundary shall be marked with concrete monuments at every corner and at intervals of not more than one (1) kilometre, with visible cut lines, signboards and uniformly spaced distinctive trees between the concrete monuments, and shall be maintained at all times. The Department shall furnish certified copies of the final land classification maps to the National Mapping and Resource Information Authority, the Land

Registration Authority, the Register of Deeds of Nueva Vizcaya, the Province of Nueva Vizcaya and the municipality concerned.

**SECTION 11. Implementing Rules and Regulations.** – Within ninety (90) days following the approval of this Act, the Secretary of the Department of Environment and Natural Resources, in consultation with the National Commission on Indigenous Peoples, the Department of Agrarian Reform, the National Mapping and Resource Information Authority and the local government units concerned, shall issue the implementing orders, rules, regulations and circulars necessary to effectively implement the provisions hereof.

**SECTION 12. Report to Congress.** – The Secretary of the Department of Environment and Natural Resources shall, one (1) year after the effectivity of this Act and annually thereafter until the disposition of the land reclassified hereunder is completed, submit to the Speaker of the House of Representatives, the President of the Senate and the chairpersons of the appropriate committees of both Houses a report stating the area surveyed and segregated, the number of monuments established and maintained, the number of patent applications filed and approved, and the certifications obtained under Section 6 hereof.

**SECTION 13. Appropriations.** – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the Department of Environment and Natural Resources.

**SECTION 14. 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 15. Repealing Clause.** – Section 15 of Presidential Decree No. 705, as amended, is hereby rendered inapplicable to the parcels described in Section 3 of this Act, to the extent and in the manner provided in Section 5 hereof. All other laws, decrees, executive orders, proclamations, rules and regulations and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SECTION 16. 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.***