

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

**EIGHTEENTH CONGRESS**  
First Regular Session

4891  
**HOUSE BILL NO.** \_\_\_\_\_



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**INTRODUCED BY HONORABLE CHERYL P. DELOSOS-MONTALLA**

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**AN ACT**  
**PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF FORESTS AND FOREST**  
**LANDS AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

1 Forests used to be one of the richest natural resources in the Philippines. In fact, in 1900,  
2 more than 70%, on average, of the island's total land area of 30 million hectares (ha) was covered  
3 with forests (ESSC, 1999a).<sup>1</sup> Based on a study, titled "Decline of the Philippine Forest," by the  
4 Institute of Environmental Science for Social Change, the country has about 21 million hectares  
5 of forest cover, covering 70 percent of the total land area, in 1900s. Four decades later, the  
6 deforestation caught on that, by 1999, the Philippines only has 5.5 million hectares, with only  
7 800,000 hectares of this was primary forest.

8  
9 In the report by the Forest Management Bureau of the Department of Environment and  
10 Natural Resources, Palawan remains the top Philippine province with the biggest forested area,  
11 with 699,931 hectares of forest area out of its 1,489,626 has total land area. It is followed by Isabela  
12 (378,637 has), Cagayan (342,944 has), Agusan del Sur (342,736 has), Surigao del Sur (226,805  
13 has), Quezon (226,193 has), Apayao (223,121 has), Aurora (218,588 has), Bukidnon (202,322  
14 has), and Nueva Vizcaya (193,708 has).

15  
16 Provinces with low forest areas include: Guimaras (with 776 has only), Siquijor (903 has),  
17 Batanes (1,819 has), Metro Manila (2,120 has), Cavite (2,540 has), Batangas (4,526 has),  
18 Camiguin (5,718 has), La Union (5,880 has), Masbate (6,778 has), and Pampanga (7,465 has).<sup>2</sup>

19  
20 Deforestation comes with a high price. The country will be facing food insecurity. Due to  
21 soil erosion, there will be low yield of agricultural produce.

22  
23 The intermittent water interruptions we are experiencing, especially during dry months, are  
24 the result of deforestation. Since most of the watersheds are denuded, the Philippines has an  
25 unstable water supply. The water quality has also deteriorated, since they is a loss of water  
26 infiltration and slow recharging of water tables.

27  
28 Based on the data by the Forest Management Bureau of the Department of Environment  
29 and Natural Resources, the Philippines needs an estimated 54 percent of forest cover to protect the  
30 areas against landslides and ensure water supply. The target is to rehabilitate around 1.2 million  
31 has of denuded and deforested forest lands by 2022.

32  
<sup>1</sup> Albert P. Aquino and Carl Rookie O. Daquio. CBFM: A National Strategy for Sustainable Forest Management

<sup>2</sup> <https://www.manilatimes.net/2018/11/25/business/business-top/sustainable-forest-management-the-way-of-the-future/472970/>

1 Sustainable forest management is one of the solutions that the Philippine forest industry is  
2 looking at. According to the United Nations' Food and Agriculture Organization (FAO),  
3 sustainable forest management addresses the significance of forest degradation and deforestation  
4 while increasing direct benefits to people and the environment. In fact, it is the only way  
5 forward.<sup>3</sup>

6  
7 The concept recognizes the need for balance between the inherent need of the people for  
8 livelihood (products directly derived from trees such as timber and paper) while ensuring that the  
9 forests are protected and will continue to be ecologically viable for generations to come. This is in  
10 line with the National Greening Program of the country, which aims to expand forest cover,  
11 mitigate and adapt to climate change, conserve biodiversity, poverty alleviation and inclusive  
12 growth while adhering to the principles of good governance.

13  
14 The decline in forest cover goes along with a significant loss of biodiversity, raw materials  
15 and storage capacity for water and an alarming release of greenhouse gases through the slash and  
16 burning cultivation/farming.<sup>4</sup> In economic terms, the challenge of the government to determine  
17 who should be held accountable for the open access nature of many forest lands leading to resource  
18 degradation is difficult.<sup>5</sup> The continuous influx of migrant communities has further aggravated  
19 the diminishing forest resources. Given the dependence of human and social life of products from  
20 the forest-from wood to water and to the oxygen they produce-these consequences impinge on all  
21 sectors of the society.<sup>6</sup>

22  
23 This bill is realistic approach to a very real problem. It approaches deforestation from all  
24 fronts by ensuring that we promote the protection and well-being of our forests while pushing for  
25 social development.

26  
27 It is in this light that immediate passage of this bill is sought.

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**CHERYL P. DELOSOS-MONTALLA**  
Representative  
2<sup>nd</sup> District, Zambales

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<sup>3</sup> Ibid.

<sup>4</sup> Salzer, W. (2012). Factsheet: Environment and Rural Development (EnRD) Program Philippines. Component 4: Community-based Forest Management (CBFM)

<sup>5</sup> Carig, E. (2012). Impact Assessment of Community-Based Forest Management in the Philippines: A Case study of CBFM Sites in Nueva Vizcaya. Paper presented during the International Conference on Management and Social Sciences, Penang Malaysia, 19 - 20 June.

<sup>6</sup> Ibid.



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**PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF FORESTS AND FOREST  
LANDS AND FOR OTHER PURPOSES**

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

**ARTICLE I**

**GENERAL PROVISIONS**

**SECTION 1. *Short Title.*** – This Act shall be known as the “Sustainable Forest Management Act”.

**SEC. 2. *Declaration of Policy.***– It is the policy of the State to promote social justice and the general welfare in all phases of national development; protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature; and to conserve and develop the patrimony of the nation. Therefore, the State hereby adopts the following policies for the sustainable management and conservation of forest lands and forest resources found therein:

- a. The specific limits of forest lands, after these have been fixed and demarcated, shall not be altered, except through an act of Congress;
- b. The sustainable use and conservation of forest lands and forest resources found therein shall bear a social, cultural, ecological, biological, and economic functions, responsibility and accountability to promote the common good of present and future generations;
- c. The protection of forest ecosystem, as well as rehabilitation through reforestation and afforestation of the degraded forest ecosystem, shall be given priority to mitigate climate change, improve and conserve biodiversity, enhance ecosystem functions and services and provide long-term economic benefits;
- d. Forest lands shall be partitioned and planned into forest management units (FMUs) based on natural topographic and hydrologic boundaries as well as watershed continuum approach and community-based management approach which adopts a holistic inter-relationship between the upstream and downstream areas with vesting access rights and responsibilities to local communities, indigenous peoples, women and youth in order to carry out efficiently the rational ecological treatment of the entire landscape from the mountain down to the coast;



- 1 e. The management, protection, conservation and development of forest resources shall be  
2 done in an integrated, inclusive, developmental, and sustainable manner, focusing on the  
3 forest resource and the people who manage, conserve and benefit from it.  
4

5 **SEC. 3. Objectives.** The general objective of this bill is to ensure the sustainable use and  
6 effective management of forest resources and services by providing equitable access,  
7 accountability, and benefit sharing to all stakeholders and the Filipinos at large. The specific  
8 objectives are:  
9

- 10 a. To streamline management of forest lands and forest resources by undertaking Sustainable  
11 Forest Management Strategies by all concerned stakeholders, including the government,  
12 private sector, communities, and civil society groups;  
13  
14 b. To promote sustainable livelihood and enterprises and an incentive mechanism for forest  
15 management activities, especially among those depending in forest lands;  
16  
17 c. To strengthen institutional mechanism to respond to forest management concerns namely,  
18 development of the forest industry; law enforcement; management of watershed, and  
19 empowering local and indigenous communities to take responsibility in managing  
20 forestlands and forest resources;  
21  
22 d. To create the Sustainable Forest Development Fund as a support mechanism for funding  
23 requirements of forest management initiatives;  
24  
25 e. To strengthen the role of Forest Management Bureau to be more responsive and pro-active  
26 to all stakeholders and consistent with the objectives and strategies of this Act;  
27  
28 f. To ensure that the national standard of 40% forest cover is achieved, sustained and  
29 protected by the country to maintain the provision of ecological services.  
30

31 **SEC. 4. Scope and Coverage.** – The provisions of this Act shall apply to all forest lands and  
32 all forest resources in lands over which the Philippines has sovereignty and jurisdiction: *Provided,*  
33 That all forest lands and forest resources found in protected areas established under the National  
34 Integrated Protected Areas System (NIPAS) shall be sustainably managed and developed  
35 following the principles of this Act and consistent with the provisions of Republic Act No. 7586,  
36 or the “National Integrated Protected Areas System Act of 1992”, as amended by Republic Act  
37 No. 10629, and Republic Act No. 11038, or the “Expanded National Integrated System Act of  
38 2018”; *Provided further,* That all wildlife resources and critical habitats found in forest lands,  
39 including alienable and disposable lands, shall be governed by Republic Act No. 9147, or the  
40 “Wildlife Resources Conservation and Protection Act”; *Provided furthermore,* that the rights of  
41 indigenous cultural communities and indigenous peoples to their ancestral forest lands shall be  
42 respected and prioritized, as provided for in Republic Act No. 8371 or the “Indigenous Peoples’  
43 Rights Act of 1997”; *Provided finally,* that all forest lands under the management or administration  
44 of local government units and other government agencies or instrumentalities shall be managed in  
45 accordance with their duly legislated charters and the principles and provisions of this Act.  
46

47 **SEC. 5. Sustainable Forest Management Strategies.** – Inclusive forest governance shall be  
48 undertaken through watershed and community-based management approach. It shall promote  
49 sustainable use through reforestation, small-scale plantation development, and use of indigenous  
50 and native species, thus enhancing ecosystem services, ensuring biodiversity conservation, and



1 increasing resilience to climate change impacts. Encouraging private investments and sustainable  
2 biomass production as renewable energy will enhance economic contribution and global  
3 competitiveness of forest-based industries.

4  
5 The promotion of forestry research, extension and education on forest ecosystem assets,  
6 services accounting and valuation, and strengthening professionalism in the forest service is  
7 deemed necessary to carry out the provisions of this Act.

8  
9 **SEC. 6. Definition of Terms.** – As used in this Act:

- 10  
11 a. *Ancestral forestlands* are ancestral lands and domains defined as such under Republic Act  
12 No. 8371, otherwise known as the “Indigenous Peoples Rights Act of 1997”;
- 13  
14 b. *Biodiversity* refers to the variability among living organisms from all sources, including,  
15 *inter alia*, terrestrial, marine, and other aquatic ecosystems in the ecological complexes of  
16 which they are part of;
- 17  
18 c. *Certification* is the process of verifying that a forest land is managed based on a defined  
19 set of standards as is conducted by an accredited third party;
- 20  
21 d. *Climate Change* refers to a change in climate that can be identified by changes in the mean  
22 and/or variability of its properties and that persists for an extended period, typically  
23 decades or longer whether due to natural variability or as a result of human activity;
- 24  
25 e. *Climate Change Adaptation* refers to the adjustment in natural or human systems in  
26 response to actual or expected climatic stimuli or their effects, which moderates harm or  
27 exploits beneficial opportunities;
- 28  
29 f. *Climate Change Mitigation* refers to human intervention to reduce anthropogenic  
30 emissions by sources and removals by sinks of all greenhouse gases including ozone  
31 depleting substances and their substitutes;
- 32  
33 g. *Ecosystem* refers to a community of living organisms interacting with each other and with  
34 their physical environment;
- 35  
36 h. *Ecotourism* refers to a form of sustainable tourism within a natural and/or cultural heritage  
37 area where community participation, protection and management of natural resources,  
38 culture, and indigenous knowledge and practices, environmental education and ethics, as  
39 well as economic benefits are fostered and pursued for the enrichment of host community  
40 and satisfaction of visitors;
- 41  
42 i. *Forest* refers to an ecosystem or an assemblage of ecosystems dominated by trees and other  
43 natural vegetation; a community of plants and animals interacting with one another and its  
44 natural environment;
- 45  
46 j. *Forest land* refers to land of the public domain classified as needed for forest purposes,  
47 including both production and protection. They shall include all forest reserves of the  
48 public domain;
- 49



- 1 k. *Forest Management Unit* (FMU) refers to a clearly defined forest area assigned for  
2 management based on a set of objectives and a long-term watershed-based management  
3 plan to be integrated in the Comprehensive Land Use Plans and Comprehensive  
4 Development Plans of cities and municipalities. All current forest tenurial instruments may  
5 be considered FMUs;  
6
- 7 l. *Forest-Based Industries* refer to various industries that are dependent on raw materials or  
8 products derived from forests such as, but not limited to, wood, rattan, bamboo, vines, latex,  
9 resins, saps, essences, fruits, flowers, or wild flora and fauna;  
10
- 11 m. *Forest Protection Officers* mean the official(s) and/or employee(s) of the Department who  
12 are granted the authority to enforce all environmental laws and conduct arrests, seizures  
13 and apprehensions in relation to environmental law enforcement.  
14
- 15 n. *Forest-Based Industries* refer to various industries that are dependent on raw materials or  
16 products derived from forests such as, but not limited to, wood, rattan, bamboo, vines, latex,  
17 resins, saps, essences, fruits, flowers, or wild flora and fauna;  
18
- 19 o. *Forest Resources* refer to all products and resources whether biomass such as plants and  
20 animals including its by-products and derivatives, which can be a raw material, or non-  
21 biomass such as soil, water, scenery, as well as the intangible services and values present  
22 in forest lands or in other lands devoted for forest purposes;  
23
- 24 p. *Forest Restoration* refers to a management strategy to enhance and accelerate natural  
25 processes of forest regeneration in order to regain the elastic capacity of forest ecosystem;  
26
- 27 q. *Grazing land* means a portion of the forest land which has been set aside, in view of the  
28 sustainability of its topography and vegetation, for raising livestock;  
29
- 30 r. *Indigenous peoples/Indigenous Cultural Communities* refer to a group of people or  
31 homogenous societies as defined in Section 3h. in the Indigenous Peoples Rights Act or  
32 Republic Act 8371;  
33
- 34 s. *Indigenous species* refer to species or genotypes that have evolved in the same area, region  
35 or biotope and are adapted to the specific predominant ecological conditions at the time of  
36 establishment;  
37
- 38 t. *Natural Forest* refers to a forest composed of naturally growing indigenous trees, not  
39 planted by man, whose structure, composition, and dynamics have been largely the result  
40 of natural succession process;  
41
- 42 u. *Non-Timber Forest Products* refer to all biological materials and derivatives other than  
43 timber produced in forests. The term includes fruits and nuts and vegetables, fish and game,  
44 medicinal plants, resins, essences and rays of barks and fibers such as bamboo, rattan, and  
45 a host of other palms and grasses;  
46
- 47 v. *Plantation* refers to timber and non-timber stand established by planting and/or seeding in  
48 the process of afforestation or reforestation. The stand is of either introduced species (all  
49 planted stands), or an intensively managed stand of any indigenous species, which meets



1 all the following criteria: one or two species at plantation, even-aged class, and regular  
2 spacing;

- 3
- 4 w. *Primary Forest* also known as *old-growth forest*, shall refer to forest which have never  
5 been subject to human disturbance or has been so little affected by hunting, gathering and  
6 tree cutting that its natural structure, function and dynamics have not undergone any change  
7 that exceed the elastic capacity of the ecosystem;
- 8
- 9 x. *Processing Plant* refers to any establishment or infrastructure housing any mechanical set-  
10 up, device, machine, or combination of machines used for the conversion of logs and other  
11 forest raw materials into lumber, fiberboard, pulp, paper, or other finished wood products;
- 12
- 13 y. *Reforestation* refers all land use activities directed towards restoration, establishment, and  
14 sustained management using preferably native species of diversified vegetation on denuded,  
15 degraded, and/or marginal lands, abandoned fishponds and mines including but not limited  
16 to the planting and tending of timber to enhance and accelerate natural processes of forest  
17 regeneration and regain the capacity of forest ecosystem;
- 18
- 19 z. *Rehabilitation* means reforestation or afforestation activities including mechanical  
20 measures such as contouring and terracing;
- 21
- 22 aa. *Secondary Forest* shall refer to a former forest that was logged over and is characterized  
23 by residuals;
- 24
- 25 bb. *Secretary* shall refer to the Secretary of the Department of Environment and Natural  
26 Resources;
- 27
- 28 cc. *Sustainable Forest Management* refers to the process of watershed-based management of  
29 forest land and resources to achieve one or more clearly specified objectives of  
30 management with regard to the continuous production of desired forest products and the  
31 delivery of ecosystem services without undue reduction of its inherent values, biodiversity  
32 and future productivity and without undesirable effects on the physical and social  
33 environment;
- 34
- 35 dd. *Sustainable use* means the use of forest resources in a way and a rate that does not lead to  
36 its long-term decline, thereby maintaining its potential to meet the needs and aspirations of  
37 present and future generations;
- 38
- 39 ee. *Tenure* shall refer to guaranteed and peaceful access to and use of specific forest land and  
40 the resources found therein through an agreement, contract or grant which cannot be altered  
41 or abrogated without due process; and
- 42
- 43 ff. *Watershed* refers to the land area drained by a stream or fixed body of water and its  
44 tributaries having a common outlet for surface runoff. A watershed can be part of a larger  
45 landscape that includes connections from the head waters to the reef.
- 46
- 47 gg. *Watershed Reservation* refers to a forest land that has been proclaimed by the Presidents  
48 or by law as such, primarily for water production purposes although other compatible uses  
49 may be allowed under sustainable and multi-use management concepts.
- 50



1  
2 **ARTICLE II**  
3 **ADMINISTRATION, DEVELOPMENT, MANAGEMENT AND SUSTAINABLE USE**  
4 **OF FOREST LANDS AND FOREST RESOURCES**

5 **SEC. 7. *Administration, Development, Management and Sustainable Use of Forestlands.***

6 – Forestlands and forest resources shall be under the full supervision and control by the State. The  
7 development and sustainable use thereof shall be under the State’s full control and supervision.  
8 The State may directly undertake such activities or it may enter into agreements with qualified  
9 persons in order for these persons to receive technical assistance and appropriate incentives.

10  
11 The Forest Management Bureau, hereinafter referred to as the FMB, shall be the primary  
12 government agency responsible for the administration, development, management and sustainable  
13 use of forest lands as defined in this Act. It shall have the authority to enter into management  
14 agreements or issue tenure instruments on behalf of the Government, promulgate rules and  
15 regulations for the effective enforcement of this Act, and administratively adjudicate offenses  
16 provided for in this Act in order to facilitate the speedy resolution of forestry-related cases.

17  
18 **SEC. 8. *Categories of Forestlands.*** – For the purpose of administration, development,  
19 management and sustainable use, forest lands in the Philippines shall be categorized into ancestral  
20 forest lands, private forest lands, and public forest lands.

- 21  
22 a. Ancestral forestlands are ancestral lands and domains defined as such under Republic Act  
23 No. 8371, otherwise known as the “Indigenous Peoples Rights Act of 1997”;  
24  
25 b. Private forests are alienable and disposable lands registered under the current land  
26 registration system of the country which are devoted for forestry purposes; and  
27  
28 c. Public forestlands shall include all lands of the public domain that have not been declared  
29 as a National Parks under Section 5 of Republic Act No. 7586, otherwise known as the  
30 “National Integrated Protected Areas System Act of 1992”, as amended by Republic Act  
31 No. 11038; mineral lands pursuant to Republic Act No. 7942 otherwise known as the  
32 “Philippine Mining Act of 1995”, and those lands not classified as agricultural based on  
33 the maps developed by the National Mapping and Resource Information Authority  
34 (NAMRIA).

35  
36 **SEC. 9. *Forest land Delineation.*** – The delineation of forest lands as completed by the DENR  
37 shall be adopted.

38  
39 **SEC. 10. *Management of Forest lands.*** – For purposes of sustainable use, management and  
40 planning, all forest lands shall be managed for protection or production purposes only.

- 41  
42 a. *Protection Forest lands.* All areas within the forest lands designated or set aside as such  
43 shall constitute the protection forest lands. They shall consist of the following:  
44  
45 (1.) Primary and secondary forests;  
46  
47 (2.) All areas one thousand (1,000) meters above sea level;  
48  
49 (3.) Limestone, forest over ultramafic, peat swamp, beach, freshwater swamp;  
50



1 (4.) All areas with a slope of fifty percent (50%) or more;  
2

3 (5.) All areas along the bank of rivers and streams, and the shores of the seas and lakes  
4 throughout entire length and within a zone of three (3) meters in urban areas, twenty  
5 (20) meters in agricultural areas and forty (40) meters in forest areas, along their  
6 margins which are subject to the easement of public use.  
7

8 (6.) All watershed reservations that have been proclaimed by the President or by law as  
9 such, primarily for water production purposes or for other compatible uses under  
10 sustainable or multi-use management concepts.  
11

12 All extractive activities, including harvesting, gathering, and collection of forest resources,  
13 except non-timber forest products and scientific and educational use as permitted by the FMB, are  
14 prohibited within forest lands for protection purposes.  
15

16 Establishment of built-up facilities are also prohibited within protection forest lands, except  
17 for special uses consistent with sustainable forest management strategies.  
18

19 Only indigenous species shall be planted or introduced within protection forest lands.  
20

21 b. *Production Forest Lands.* All public forest lands not classified as protection forest lands,  
22 pursuant to this Section, shall constitute the production forest lands of the country. These  
23 lands shall be devoted for the production of timber and non-timber forest products to supply  
24 the domestic forest resource demand of the country and facilitate international trade of  
25 forest resources.  
26

27 **SEC. 11. *Forest Management Units.*** – For the purposes of assigning respective areas of  
28 operations and management, all public forest or timber land shall be assigned and registered as  
29 “Forest Management Units” (FMUs) with the DENR: *Provided,* That all areas under an existing  
30 and valid tenure agreement or management arrangement with the DENR before the passage of this  
31 Act shall be considered as FMUs.  
32

33 The FMU shall be managed for protection and/or production purposes. Protection FMUs  
34 shall have the primary function of protecting life support systems to regulate water, prevent  
35 flooding, control erosion, prevent seawater intrusion, maintain soil fertility, and of conserving  
36 plant and wildlife biodiversity and their ecosystem. Production FMU shall have the primary  
37 function of producing forest products, food, energy and/or fresh water among others.  
38

39 **SEC. 12. *Qualified managers of FMUs.*** – To ensure effective management of forest lands,  
40 managers of FMUs shall be confined to qualified and capable persons, or entities which include  
41 indigenous and local households, civil society organizations, business organizations, forest land  
42 use tenure holders, and dedicated national and local government units including government-  
43 owned and controlled corporations subject to the requirements to be provided in the implementing  
44 rules and regulations of this Act.  
45

46 **SEC. 13. *FMU Development and Management Planning.*** – Every FMU shall have a  
47 management plan formulated by the FMU Manager with technical assistance from the Registered  
48 Professional Forester that follows a watershed continuum approach and sustainable forest  
49 management strategies as stated in this Act approved by the FMB. If the FMU holder is an  
50 individual, indigenous people or a member of civil society, assistance in the preparation or



1 formulation of a management plan will be provided by DENR. In designating FMUs within a  
2 watershed, priority shall be given to indigenous peoples, civil society and local communities in  
3 awarding appropriate tenurial instruments.

4  
5 The FMU management plan shall contain the following:

- 6  
7 a. FMU management objective;  
8  
9 b. Description of the physical, environmental, socio-economic, and administrative profile of  
10 the FMU;  
11  
12 c. Mapping and zoning of the FMU into production and high conservation value-forest zones;  
13  
14 d. Management prescriptions to be applied in each zone to meet the FMU management  
15 objectives;  
16  
17 e. Implementation plan; and  
18  
19 f. Expected benefits and impacts of the plan.  
20

21 **SEC. 14. Sustainable Management of Mangrove Resources.** – Mangrove species planted  
22 within production forestlands can be harvested, gathered or collected, taking into consideration the  
23 basic forestry policies and strategies provided for in this Act. The harvesting, gathering, collection  
24 of mangrove species, and provision of clean technologies to address energy needs shall be upon  
25 the authority provided for by the FMB.  
26

27 **SEC. 15. Mined-Out Areas and Abandoned Fishpond Areas.** – The management and  
28 administration of rehabilitated mined-out areas shall immediately be transferred to the FMB. The  
29 management and administration of abandoned and idle fishpond lease areas shall immediately be  
30 reverted to the DENR.  
31

32 **SEC. 16. Sustainable Use of Forest Resources.** – The harvesting, gathering and collection  
33 of all planted forest resources within production forestlands and private forestlands, including its  
34 by-products and derivatives, shall not require any clearance from the DENR: *Provided*, that the  
35 amount of harvested products is consistent with the approved management plan; *Provided further*,  
36 that DENR shall set a monitoring mechanism that will include members of the local consultative  
37 bodies; *Provided finally*, that any request for clearances for domestic transport of forest resources  
38 submitted to the DENR shall be acted upon within seven (7) working days from the date of its  
39 submission with the proper office. After a lapse of seven (7) working days and no action has been  
40 taken by the DENR, the clearance for transport is deemed approved.  
41

42 The harvesting, gathering, collection and transport of non-timber forest products within  
43 production forest lands shall be exempt from any clearance from any government institution.  
44

45 All timber and non-timber forest products planted within private lands shall belong to the  
46 owner of the land who shall have the right to harvest, gather, and collect the same without any  
47 clearance from any government institution.  
48

49 **SEC. 17. Regulation and Sustainable Use of Forest Resources within Ancestral Forest**  
50 **Lands.** – The rights of the indigenous peoples over their ancestral forestlands shall be respected:



1 *Provided*, That management of forest resources within those lands shall be in accordance with the  
2 existing laws, rules and regulations, the Ancestral Domain Sustainable Development and  
3 Protection Plan (ADSDPP), and Forest Land Use Plan (FLUP). *Provided*, that DENR shall  
4 formulate appropriate sustainable management and monitoring guidelines.

5  
6 **ARTICLE III**  
7 **FOREST-BASED INDUSTRIES**  
8

9 **SEC. 18. *Development of an Open and Competitive Market for Forest Resources.*** – To  
10 meet the demands for forest good and services of the country, the State, through the DENR, shall  
11 promote and rationalize the establishment, operations, and development of forest-based industries.  
12 DENR shall institute measures to develop an open and competitive market for forest products  
13 including among others the liberalization of forest products harvesting, transport, and marketing.  
14

15 **SEC. 19. *Export of Certified Forest Products.*** – No person shall sell or offer for sale any  
16 forest resources in the international market without complying with the certification system  
17 established by the Government. Failure to adhere to the established standards, or any act of  
18 falsification shall be sufficient cause for the cancellation of export licenses and other permits  
19 authorizing the manufacture or sale of such resources.  
20

21 **SEC. 20. *Regulation of Forest-Based Industries.*** – All processing plants using forest  
22 resources as raw materials shall be subject to existing regulations prescribed by law, including the  
23 required Environmental Impact Assessment (EIA) System: *Provided*, That these processing plants  
24 are registered with the Department of Trade and Industry as well as clearance from the Local  
25 Government Unit to operate.  
26

27 **SEC. 21. *Enhance Private Investments and Economic Contribution.*** – Forest-based  
28 industries shall be supported to promote global competitiveness, support domestic demands for  
29 wood and other products, and enhance economic contribution to the country. Appropriate  
30 incentives shall be provided such as but not limited to establishment of agroforestry economic  
31 zones in order to ease the conduct of business and attract local and foreign investments that are  
32 mutually beneficial to the government, concerned communities, partner organizations and the  
33 investors concerned.  
34

35 **SEC. 22. *Community-Based Forest Enterprises.*** – Economic activities and practices of  
36 local communities, including indigenous cultural communities on forest-based enterprises,  
37 including non-timber forest products, that promote the sustainable use of forest resources shall be  
38 promoted and supported to address food security and improve quality of life.  
39

40 **ARTICLE IV**  
41 **EMPOWERING AND ENABLING CONDITIONS FOR SUSTAINABLE FOREST**  
42 **MANAGEMENT**  
43

44 **SEC. 23. *Forest Land Use and Tenure Instruments.*** – The State, represented by the  
45 DENR may undertake the development, sustainable use, and management of forest lands and forest  
46 resources found therein with qualified persons, whether natural or juridical, through tenure  
47 instruments. The order of priority in the provision of forest land use rights shall be as follows:  
48

49 a.) Duly recognized indigenous peoples, organizations and households in the case of FMUs  
50 in ancestral lands;



1 b.) Holders of valid and existing agreements with the DENR and FMB;

2  
3 c.) Residents occupying forest lands without tenure;

4  
5 d.) Investors on ancestral forestlands with a free and prior informed consent (FPIC) with  
6 indigenous peoples; and

7  
8 e.) Investors on public forest lands that are not under any agreement with the Department  
9 and other persons.

10  
11 Any person who is a party to any of the agreements mentioned in this Section shall not be  
12 allowed to transfer or convey the rights vested by the agreements within five (5) years from the  
13 issuance of the agreement. Thereafter, the person shall be able to transfer, or convey the rights of  
14 interests therein subject to a written authority from the Secretary of duly authorized representative.  
15 Provided, that the transferor has complied with the terms and conditions of the agreement;  
16 Provided further, that the transferee shall assume the obligations of the transferor.

17  
18 All parcels of public forestlands that are not covered with any management arrangement or  
19 tenure instrument shall be converted to forest management units.

20  
21 **SEC. 24. *Forest Management Agreement.*** – The DENR and a qualified person, whether  
22 natural or juridical, may enter into a Forest Management Agreement for the development,  
23 sustainable use and management of forest lands and forest resources found therein. The Forest  
24 Management Agreement shall have a duration of twenty-five (25) years and may be extended for  
25 another twenty-five (25) years.

26  
27 **SEC. 25. *Scope of Forest Management Agreement.*** – In the case of public forestlands,  
28 ancestral forestlands and production forestlands, the Forest Management Agreement may be  
29 entered into for the following purposes:

- 30  
31 a. Agroforestry plantations in accordance to the standards of the DENR on forest plantation  
32 development;
- 33  
34 b. Forest plantation development with processing plant;
- 35  
36 c. Ecotourism development;
- 37  
38 d. Mangrove restoration; and
- 39  
40 e. Special uses for forest lands.

41  
42 A Forest Management Agreement may be entered for a single purpose or a combination of  
43 any of the abovementioned purposes.

44  
45 **SEC. 26. *Special Uses of Forest Lands.*** – In the case of production forestlands, a Forest  
46 Management Agreement may also be entered into for a special use of forestland which shall  
47 include the following:

- 48  
49 a. Establishment of forest park;

50



- 1 b. Dry Dock Site;
- 2
- 3 c. Industrial Processing Site;
- 4
- 5 d. Herbal or Medicinal Plantation;
- 6
- 7 e. Fish Drying Site;
- 8
- 9 f. Communication Station Site;
- 10 g. Public Landing Site or Airstrip;
- 11
- 12 h. Log Pond or Log Depot;
- 13
- 14 i. Lumber Yard;
- 15
- 16 j. Motor Pool Site;
- 17
- 18 k. Power Station Site;
- 19
- 20 l. Transmission Line Site;
- 21
- 22 m. Right-of-Way;
- 23
- 24 n. Farm-to-market roads;
- 25
- 26 o. Government Facility Site (e.g. schools, clinics, satellite offices among others);
- 27
- 28 p. Water Reservoir;
- 29
- 30 q. Renewable energy projects.

31  
32 *Provided*, that for government facilities or infrastructures like farm-to-market roads, public school  
33 sites, public hospitals or clinics, etc. shall be free from any fees, charges, or other pecuniary  
34 obligations under the Forest Management Agreement.

35  
36 **SEC. 27. *Qualified Persons.*** – The following persons are qualified to enter into a Forest  
37 Management Agreement with the State:

- 38
  - 39 a. Filipino persons or entities which include indigenous and local households, civil society  
40 organizations, business organizations, and forest and land use tenure holders;
  - 41
  - 42 b. Corporations or associations at least sixty percent of whose capital is owned by Filipinos;
  - 43
  - 44 c. Local government units, when the purpose of the Forest Management Agreement is for  
45 public use or the establishment of government centers and facilities; or
  - 46
  - 47 d. Other National Government Agencies or Government-Owned or Controlled Corporations,  
48 when the purpose of the Forest Management Agreement is for national interest, like  
49 transmission lines, water reservoirs, or distribution lines for electricity.
- 50



1           **SEC. 28. *Production Sharing.*** – The following schemes shall be observed by the Parties  
2 to a Forest Management Agreement in relation to the sharing of benefits derived from the  
3 agreement:

- 4
- 5       a. Forest Plantations, Forest Plantations with Processing Plants. The sharing of outputs from  
6 Forest Management Agreements entered into for the purpose of developing and managing  
7 forest plantations, and forest plantations with processing plants shall be based on the total  
8 gross output of the plantation harvests. Said sharing shall be done in a manner  
9 advantageous to national interest without prejudice for incentives that may be prescribed  
10 by DENR.
- 11
- 12       b. For ecotourism purposes, the person who entered into a Forest Management Agreement  
13 with the Government for the purpose of ecotourism or other special uses for forest lands  
14 shall have the obligation to pay an annual user's fee equivalent to five percent (5%) of the  
15 nearest commercial zonal value per square meter or a fraction thereof.
- 16
- 17       c. Government Facilities or Infrastructures. Non-income generating government facilities  
18 such as public school sites, public hospitals or clinics, government center or offices, roads,  
19 farm-to-market access roads, and public buildings are exempt from paying any fee or other  
20 pecuniary obligation with the State. Provided, that the use of these establishments or  
21 infrastructures shall not be subject to privatization.
- 22
- 23       d. For local communities and registered civil society organizations, support through incentive  
24 schemes or the like shall be provided as social fencing against drivers of deforestation.
- 25

26           **SEC. 29. *Forestry Research, Education, Training, and Extension.*** – Research and  
27 technology development of the Ecosystems Research and Development Bureau, Forest Products  
28 Research and Development Institute, Universities, and other research institutions shall be  
29 strengthened to support sustainable management of forest resources. For this reason, Forestry  
30 Development Center of the University of the Philippines Los Baños shall lead in forest policy  
31 research in collaboration with the Commission on Higher Education or CHED, Higher Educational  
32 Institutions (HEIs), schools, universities, and colleges (SUCs), Department of Science and  
33 Technology (DOST)-accredited NGOs as well as other concerned stakeholders.

34

35           The DENR, the Department of Science and Technology, the Commission on Higher  
36 Education, and Universities, within one (1) year from the passage of this Act, shall prepare a  
37 comprehensive sustainable national forestry and environmental research and technology  
38 development and transfer program in furtherance of sustainable forest management, which shall  
39 be implemented, monitored, and reviewed in accordance with existing research management  
40 systems.

41

42           The Continuing Professional Development shall be promoted and upheld through selected  
43 universities and training institutions on forestry and natural resources management subject to the  
44 Professional Regulation Commission's accreditation system. Forestry education in the Philippines  
45 shall be rationalized to ensure the quality of formal forestry education and establish, support and  
46 sustain the national and regional centers of development and excellence in forestry and  
47 environmental education to develop high quality human resources and promote global  
48 competitiveness. The Commission on Higher Education shall include forest ecology and  
49 environment courses in general education curricula. DENR shall formulate a nationwide program



1 for sustained public information and advocacy campaign for forests and natural resources  
2 conservation, sustainable forest management, and climate change.

3  
4 **SEC. 30. *The Sustainable Forest Development Fund.*** – A Sustainable Forest  
5 Development Fund (SFDF) is hereby established to provide concessional financing particularly  
6 for forest development projects proposed by qualified managers of FMUs. The said Fund shall be  
7 administered by a Government-Owned and Controlled Banking Institution as a trust account.

8  
9 The SFDF may be augmented by grants, donations, and endowment from various sources  
10 local and international sources.

11  
12 In addition, at least seventy percent (70%) of forest charges and government share collected,  
13 including proceeds from the sale of confiscated forest resources, machinery, equipment, and tools,  
14 fines, and penalties shall be set aside for the SFDF.

15  
16 Moreover, securitization, payment for ecosystem services and collaborative investments  
17 shall be encouraged to support sustainable forest management and enterprises and the conservation  
18 of forest-based biodiversity in the Philippines.

19  
20 The DENR shall include the guidelines for the management, development, and  
21 operationalization of the SFDF, in coordination with other concerned agencies and civil society  
22 organizations in the implementing rules and regulations of this Act. No amount from the SFDF  
23 shall be disbursed to cover ordinary and necessary expenses of the DENR and other concerned  
24 agencies.

25  
26 **SEC. 31. *Importation and Sale.*** – Forest resources may be imported into the country,  
27 subject to existing laws, rules, and regulations. All imported forest resources shall comply with  
28 the Philippine National Standards to be developed by the Department of Trade and Industry in  
29 coordination with the Forest Products Research and Development Institute and the DENR.  
30 Compliance with these standards shall be a precondition for the sale or disposition of these  
31 products in the Philippines.

32  
33 **ARTICLE VI**  
34 **ORGANIZATIONS AND GOVERNANCE**

35  
36 **SEC. 32. *Creation of the Position of Undersecretary for Forestry.*** – There is hereby  
37 created in the DENR the position of Undersecretary for Forestry who shall perform the following  
38 functions:

- 39
- 40 a. Oversee the provision of technical, marketing, financial, tenorial and infrastructure support  
41 to persons and entities engaged in FMU management;
  - 42
  - 43 b. Ensure watershed-based planning and monitoring processes are observed in forestry-  
44 related developments;
  - 45
  - 46 c. Facilitate institutional linkages and convergence initiatives among forestry stakeholders in  
47 support of effective development and management of forest lands consistent with its  
48 protection and production uses;
  - 49



- 1 d. Provide scientific information-based policy recommendations in aid sustainable forest  
2 management; and  
3  
4 e. Promote cost-effectiveness of forestry investments among local and international investors  
5 and donors in line with sustainable forest management.  
6

7 The Undersecretary shall be appointed by the President of the Republic of the Philippines,  
8 whose office, structure and staffing, shall be determined by the Secretary subject to existing laws,  
9 rules, and regulations.  
10

11 **SEC. 33. Reconstitution of the Forest Management Bureau.** – The Forest Management  
12 Bureau is hereby reconstituted as a line bureau under the DENR, which shall be responsible for  
13 the administration, sustainable management, development, conservation, and protection of all  
14 forestlands and forest resources of the country, with functions specifically as follows:  
15

- 16 a. Implementation of all policies, plans, programs, projects and activities concerning  
17 forestlands with provision for effective feed-backing and reporting mechanisms;  
18  
19 b. Ensure sufficient provision of technical, marketing, financial, tenurial and infrastructure  
20 support to persons and entities engaged in FMU management;  
21  
22 c. Enforce watershed-based planning approaches in all forest-land development and  
23 management endeavors;  
24  
25 d. Encourage the participation of forestry stakeholders thru multi-sectoral consultative bodies  
26 in all forestry-related consultative processes;  
27  
28 e. Develop and implement an effective geographical information system in aid of forestry  
29 planning, monitoring and policy formulation;  
30  
31 f. Monitor and evaluate the physical, environmental and socio-economic outcomes in the  
32 management of all FMUs; and  
33  
34 g. Formulate and publish periodic reports informing stakeholders of the status of the  
35 Philippine forest lands using both qualitative and quantitative methods.  
36

37 **SEC. 34. Composition of the Forest Management Bureau.** – As a line bureau, the FMB shall  
38 be headed by a Director and assisted by two (2) Assistant Directors who shall supervise the  
39 administrative and technical services of the Bureau respectively. There shall be a FMB Regional  
40 Director in each administrative region with corresponding offices and positions.  
41

42 **SEC. 35. Assistance of Law Enforcement Agencies.**– Local Government Units, the  
43 Department of Interior and Local Government, and the DENR, shall call upon law enforcement  
44 agencies and instrumentalities of the Government such as the Philippine National Police (PNP),  
45 the Armed Forces of the Philippines (AFP), the Philippine Coast Guard (PCG) and the National  
46 Bureau of Investigation (NBI) for the enforcement of environmental laws, executive orders, and  
47 their implementing rules and regulations.  
48

49 **SEC. 36. Local Government Units.** – Enabling mechanisms shall be developed to enhance the  
50 participation of the local government units in watershed management planning, sustainable use,



1 conservation and protection of forest resources within their territorial jurisdiction, including those  
2 assigned by law to other government agencies.

3  
4 LGUs with forest lands inside their jurisdiction shall harmonize their CLUPs, local  
5 development plans, disaster risk reduction management plans and other required plans according  
6 to the objectives specified herein and in the protected area management plans.

7  
8 **SEC. 37. Other Government Agencies.** – Forest lands or portions thereof, which have been  
9 placed under the administration and management of other government agencies, shall remain under  
10 the administration and management of the said government agencies following a watershed  
11 management approach with the DENR exercising oversight power these areas: *Provided*, that their  
12 administration and management shall be based on the policies, strategies, and programs that are  
13 consistent with the provision of this Act; *Provided further*, That the concerned agencies shall  
14 submit an annual accomplishment report to the DENR.

15  
16 **SEC. 38. Multi-Sectoral Consultative Bodies in Relation to Natural Resources Governance.**  
17 – A technical and multi-sectoral consultative body involving all stakeholders concerned within a  
18 watershed shall be convened by the FMB pursuant to this Act, specifically for each FMU and  
19 cluster of FMUs as appropriate and shall be consulted at least once a year to review and make  
20 recommendations on watershed-based management related policies at the local and regional level.  
21 Further, the FMB shall extend technical assistance to multi-sectoral bodies organized for the  
22 purpose of policy making in relation to environment and natural resource governance specifically  
23 on forest governance issues.

24  
25 **SEC. 39. Function of Multi-sectoral Consultative Bodies.** – The body shall be responsible  
26 for the over-all policy direction and monitoring in the management of the forest lands and forest  
27 resources found within their respective jurisdictions in accordance with the provision of this Act.  
28 Specifically, (a) it shall review and recommend implementation of programs and projects, (b)  
29 perform oversight and monitoring functions on matter pertaining to management performance and  
30 status of environment and natural resources, and (c) participate in the review and recommend  
31 relevant policies for the protection, conservation and restoration efforts within the watershed in  
32 ensuring significant contribution of the forestry sector to national economy, ecological  
33 sustainability and sustainable development closely adhering to the principles and priority programs  
34 of the Government. Said body may also facilitate the initiation of the LGUs' participation in the  
35 devolution program and monitoring the transfer and implementation of devolved functions to the  
36 LGUs.

37  
38 **SEC. 40. Power and Water Utility Service Providers.** – Forest lands or portions thereof,  
39 which have been placed by law or agreement under the administration and management of  
40 government and private power and water utilities service providers, shall be included in the  
41 partitioning of forest lands into appropriate categories consistent with the purpose of the assigned  
42 forest land, and shall remain under the administration and management of the said utilities service  
43 providers concerned; *Provided*, That the DENR shall exercise oversight power on the planning,  
44 management, utilization, and assessment of all forest resources in these areas.

45  
46 **SEC. 41. Governance Mechanism.** – The following mechanisms shall be developed,  
47 established and used for the sustainable forest management:

- 48  
49 a. Institutional Support for Sustainable Forest Management. The principles and practices of  
50 transparency, accountability, and participatory decision-making, in transactions, decision,



1 and actions affecting forestry, in all levels, and the policy of streamlining, decentralization,  
2 devolution, and deregulation shall be adopted, promoted, and institutionalized in the  
3 DENR.  
4

- 5 b. Forest Land Use Planning. Updating and preparation of forest land use plans shall be  
6 integrated with the updating and preparation of comprehensive land use plans of local  
7 government units.  
8
- 9 c. Linkage. Networks and linkages with local and international institutions, civil society  
10 organizations, local government units and industries involved in the promotion and  
11 practice of sustainable forest management shall be strengthened.  
12
- 13 d. Revenues and Benefit-sharing. FMB shall prescribe appropriate fees and government  
14 shares for different kinds of utilization, exploitation, occupation, possession, or activities  
15 within forest lands, as well as the corresponding administrative fees for permits,  
16 agreements, and other services.  
17
- 18 e. Authority to Impose or Waive Fees. The DENR shall have the authority to impose other  
19 fees for payment for ecosystem services and forest protection, management, reforestation,  
20 and development. In addition, the Department may waive fees and charges on government  
21 activities within forest lands that supports public utility, social welfare, national security,  
22 or national interest.  
23
- 24 f. Third-Party Monitoring. FMB shall undertake the monitoring and control of forest  
25 management and utilization through a third-party audit and certification. A National Forest  
26 Certification System shall be established by the FMB which will outline the policy, rules,  
27 procedures, and management for implementing forest management certification and chain-  
28 of-custody certification in the country. The FMB shall develop pertinent guidelines, in  
29 coordination with all stakeholders, for the implementation of this provision subsequent to,  
30 and after one (1) year upon the effectivity of this Act.  
31
- 32 g. Forest Management Information System. FMB shall establish a forest management  
33 information system which consists of comprehensive up-to-date information on the  
34 physical, social, financial, economic, biological, and environmental components of the  
35 country's forest lands and forest resources. It shall include a continuous monitoring system  
36 to track the utilization and movement or transfer of forest-based goods and services, the  
37 changes in the state of forest resources and ecosystem services, and its drivers. It shall  
38 include further a ground-based validation system as basis for assessing progress towards  
39 sustainable forest management.  
40
- 41 h. Empowering Concerned Government Officials on Implementing Sustainable Forest  
42 Management. It shall be the priority of the State to ensure that government employees  
43 involved in the implementation of the sustainable forest management law are properly  
44 trained, sufficiently equipped, adequately compensated, and given ample opportunities to  
45 participate in its implementation. The DENR and other agencies involved shall  
46 appropriately provide funding for the same.  
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**ARTICLE VII**  
**OFFENSES AND PENALTIES**

**SEC. 42. *Harvesting, Gathering, Collection, Mining without Permit, or Possession of Forest Resources from Protection Forest Lands.*** – Any person who shall harvest, gather, collect, or possess any forest resource from protection forestlands without authority, except non-timber forest products, shall be punished with imprisonment ranging from six (6) years and one (1) day to twelve (12) years and one (1) day and/or a fine equivalent to ten (10) times the value of the said forest resource. The Forest Protection Officers shall have the authority to estimate the present market value of the forest resources subject of the illegal harvest, gathering, collection or possession based on the guidelines promulgated by the DENR.

In case of partnerships, associations, or corporations, the president, managing partner or general manager shall be held liable.

In case of aliens, the Bureau of Immigrations shall deport them without further proceedings after paying the fine imposed.

**SEC. 43. *Illegal Harvesting, Gathering, Collection, or Possession of Forest Resources as an Act of Economic Sabotage.*** – Illegal forest activities such as timber poaching, conversion of forest lands to agriculture, residential and other land uses, charcoal making, wildlife trading, use of exotic species in natural forests, and any of the acts enumerated in the preceding section shall be considered as an economic sabotage when committed by:

- a. At least two or more persons through an organized and systematic manner; and
- b. Any person, when the amount of forest resources harvested, gathered, collected, or possessed amounts to at least five million pesos (P5,000,000.00).

The penalty of imprisonment for twenty (20) years and one (1) day to forty (40) years shall be imposed.

**SEC. 44. *Grazing Livestock in Forest Lands without Authority.*** – Any person found to have caused the grazing of livestock in forest lands without an authority and permit from the DENR shall be punished with the imprisonment of two (2) years, four (4) months, and one (1) day to four (4) years and two (2) months. The livestock shall be confiscated in favor of the local government unit concerned.

**SEC. 45. *Unlawful Occupation of Forest Lands.*** – Except for indigenous peoples occupying ancestral lands consistent with their CADC and/or CADT and the provisions of Republic Act No. 8371 or the Indigenous Peoples Rights Act, any person who possess or occupy any parcel of public and/or protection forestland without any permit, tenorial instrument or authority from the DENR shall be punished with a penalty of imprisonment of six (6) years and one (1) day to twelve (12) years and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) and forced eviction from the area.

**SEC. 46. *Destruction of Forest Lands.*** – Any person who shall destroy or cause destruction within protection, ancestral, and public forest lands or assist, aids, or abets another person to do so, shall be punished with a penalty of imprisonment of six (6) years and one (1) day



1 to twelve (12) years, and a fine of not less than One hundred thousand pesos (P100,000.00) but  
2 not more than Five hundred thousand pesos (P500,000.00).

3  
4 **SEC. 47. *Unlawful Operations of Sawmills, Wood Processing Plants, and Forest-Based***  
5 ***Industries.*** – Any person operating sawmills, wood processing plants, and forest-based industries  
6 without any permit or authority from the DENR, shall be punished with a penalty of imprisonment  
7 for six (6) years and one (1) day to twelve (12) years and a fine of not less than five million pesos  
8 (P5,000,000.00).

9  
10 If the offender is a public official or employee, the accessory penalty of disqualification  
11 for holding any public imposed for a period of twelve (12) years and one (1) day. If the offender  
12 is an official or an employee of the Department, the accessory penalty of permanent  
13 disqualification shall be imposed.

14  
15 All forest resources, machinery, equipment, and tools pertinent to the operations of the  
16 abovementioned establishments shall be confiscated in favor of the Government.

17  
18 **SEC. 48. *Prohibition on the Issuance of Land Titles or Tax Declarations on Forest***  
19 ***Lands.*** – All land titles and tax declaration issued over forest lands shall be deemed void *ab initio*.  
20 Any person who shall issue land titles and tax declarations over any forest land or a parcel thereof  
21 shall be punished with imprisonment of six (6) years and one (1) day to twelve (12) years and a  
22 fine of not less than One hundred thousand pesos (P100,000.00) nor more than five hundred  
23 thousand pesos (P500,000.00). The accessory penalty of disqualification shall be imposed for a  
24 period of twelve (12) years and one (1) day.

25  
26 **SEC. 49. *Non-Payment and Non-Remittance of Forestry Fees and Charges.*** – Any  
27 person who fails to pay the amount due and payable as forestry fees or charges to the government  
28 or remit the same to the proper authorities shall be punished with a penalty of imprisonment for a  
29 period of six (6) years and one (1) day to twelve (12) years with a fine of not less than one hundred  
30 thousand pesos (P100,000.00) nor more than Five hundred thousand pesos (P500,000.00).

31  
32 **SEC. 50. *Non-Establishment of Tree Parks and Green Spaces.*** – Every local government  
33 unit shall establish and maintain tree parks and green spaces pursuant to their comprehensive land  
34 use plans. Funds for the establishment and maintenance of the same shall form part of the local  
35 government unit's annual budget.

36  
37 Every owner of land subdivided into residential, commercial, or industrial lots shall reserve,  
38 establish and maintain at least thirty percent (30%) of the total land area of the subdivision,  
39 exclusive of roads, service streets and alleys as green space for tree parks.

40  
41 No subdivision plan shall be approved by the Housing and Land Use Regulatory Board  
42 unless at least thirty percent (30%) of the total area of the subdivision has been reserved as green  
43 space. The owner must develop the green space within three (3) years from the approval of the  
44 subdivision plan.

45  
46 Any local government unit or owner of a parcel of land subdivided into residential,  
47 commercial, or industrial lots who fails to establish green spaces or tree parks as provided in the  
48 preceding paragraphs shall be penalized with a fine of not less than Five hundred thousand pesos  
49 (P500,000.00) nor more than One million pesos (P1,000,000.00).

50



1           **SEC. 51. *Illegal Conversion of Tree Parks and Green Spaces.*** – Any person who shall  
2 convert or cause to convert any tree park or green space for a purpose inconsistent with that which  
3 is provided for by this Act shall be punished with a penalty of imprisonment for six (6) years and  
4 one (1) day to twelve (12) years and/or a fine not less than Five hundred thousand pesos  
5 (P500,000.00) nor more than One million pesos (P1,000,000.00).  
6

7           If the offender is a public official or employee, the accessory penalty of disqualification is  
8 imposed for a period of twelve (12) years and one (1) day. If the offender is an official or an  
9 employee of the Department, the accessory penalty of permanent disqualification shall be imposed.  
10

11           **SEC. 52. *Arrest and Detention.*** – If the apprehension was conducted in remote areas far  
12 from the place where persons authorized to conduct inquest proceedings are located, the delivery  
13 to the proper judicial authorities shall be done within a reasonable time period, taking into  
14 consideration the ordinary travel time from the place of arrest to the place of delivery.  
15

16           In order to facilitate the delivery of arrested persons for violations of this Act, the  
17 Department of Justice shall designate in every city and province a special prosecutor who shall be  
18 responsible for filing appropriate charges against arrested offenders.  
19

20           **SEC. 53. *Public Auction of Forest Resources.*** – If the confiscated forest resources are in  
21 danger of deteriorating, the DENR may order that the same be sold at public auction even before  
22 the termination of the judicial proceedings, with the proceeds kept in trust to await the outcome of  
23 the judicial proceedings.  
24

25           **SEC. 54. *Authority of Forest Protection Officers.*** – When in the performance of their  
26 officials duties, forest protection officers or other public officials or employees authorized by the  
27 DENR, shall have free access into forest lands or any parcel thereof.  
28

29           They are also authorized to search the exterior and interior of all vehicles suspected to  
30 contain illegally harvested, collected, or gathered forest resources: *Provided*, That the search is  
31 done in the presence of the apprehended persons and two (2) public local officials.  
32

33           Finally, forest protection officers are authorized to administer oaths, take  
34 acknowledgements in official matters connected under the authority of this Act and its  
35 implementing rules and regulations.  
36

## 37           **ARTICLE VIII** 38           **ADMINISTRATIVE PROVISIONS** 39

40           **SEC. 55. *Administrative Authority of the Secretary or his Duly Authorized***  
41 ***Representative to Order Confiscation.*** – In all cases of violations of this Act or other forest laws,  
42 rules and regulations, the Secretary, his duly authorized representative may order the confiscation  
43 of forest resources illegally harvested, collected, gathered, possessed and those that are abandoned.  
44 This authority shall extend to all conveyances used either on land, water or air as well as machinery,  
45 equipment, implements, and tools used in the commission of the offense and to dispose of the same  
46 in accordance with pertinent laws, rules and regulations.  
47

48           **SEC. 56. *Administrative Authority of the Secretary to Impose Fines.*** – In all cases of  
49 violations of this Act and other forest laws, rules, and regulations where fine is the principal penalty,  
50 the Secretary or his duly authorized representative, after the consultation with the forest-based



1 industries affected, is hereby authorized to impose administratively the penalty consisting of the  
2 amount and the schedules of the fine which shall be officially published in a national newspaper  
3 of general circulation.

4  
5 **SEC. 57. *Fines Escalation Clause.*** – The fines herein prescribed shall be increased by at  
6 least ten percent (10%) every three (3) years to compensate for inflation and to maintain the  
7 deterrent function of such fines.

8  
9 **SEC. 58. *Informant's Incentive.*** – Twenty percent (20%) of the value of confiscated  
10 materials shall be used as incentives to informants including forest management councils, forest  
11 management boards to be placed in the Sustainable Forest Development Fund. They shall also be  
12 entitled to free legal assistance should cases be filed against them in the performance of official  
13 duties.

14  
15 **SEC. 59. *Suits and Strategic Legal Action Against Public Participation and the***  
16 ***Enforcement of this Act.*** –

- 17  
18 a. A legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that  
19 any person, institution, or the government has taken or may take in the enforcement of this  
20 Act, protection of the environment or assertion of environmental rights shall be governed  
21 by this Section.  
22  
23 b. A suit and strategic legal action against public participation may be interposed as a defense  
24 by a person involved in the enforcement of environmental laws, protection of the  
25 environment, or assertion of environmental rights, The suit or strategic legal action shall  
26 be supported by documents, affidavits, papers, and other evidence; and, by way of  
27 counterclaim, pray for damages, attorney's fees and costs of suit.

28  
29 The court shall direct the plaintiff or adverse party to file an opposition showing the suit is  
30 not valid as a defense, attaching evidence in support thereof, within a non-extensible period of five  
31 (5) days from receipt of notice that an answer has been filed.

32  
33 The suit or strategic legal action shall be set for hearing by the court after issuance of the  
34 order to file an opposition within fifteen (15) days from filing of the comment or the lapse of the  
35 period.

- 36  
37 c. The hearing on the suit or strategic legal action shall be summary in nature. The parties  
38 must submit all available evidence in support of their respective positions. The party  
39 seeking the dismissal of the case must prove by substantial evidence that his act for the  
40 enforcement of this Act is a legitimate action for the protection, preservation and  
41 rehabilitation of the environment. The Party filing the action assailed as a SLAPP shall  
42 prove by preponderance of evidence that the action is not a SLAPP and is a valid claim.  
43  
44 d. The affirmative defense of a SLAPP shall be resolved within thirty (30) days after the  
45 summary hearing. If the court dismisses the action, the court may award damages,  
46 attorney's fees and costs of suit under a counterclaim if such has been filed. The dismissal  
47 shall be with prejudice.  
48



1 If the court rejects the suit or strategic legal action, the evidence adduced during the  
2 summary hearing shall be treated as evidence of the parties on the merits of the case. The action  
3 shall proceed in accordance with the Rules of Court.  
4

5 **SEC. 60. *Citizen's Suit.*** – Any citizen may file an appropriate civil, criminal or  
6 administrative action with the proper court against:  
7

- 8 a. Any person who violates or fails to comply with the provisions of this Act or its  
9 implementing rules and regulations;
- 10
- 11 b. The Department or other implementing agency with respect to orders, rules, and  
12 regulations issued inconsistent with this Act;
- 13
- 14 c. Any public officer who willfully or grossly neglects the performance of an act specifically  
15 enjoined as a duty by this Act or its implementing rules and regulations; or abuses his  
16 authority in the performance of his duty; or in any manner improperly performs his duties  
17 under this law or its implementing rules and regulations.  
18

19 However, no suit can be filed until after a notice of violation is sent to the alleged offender  
20 within thirty (30) days starting from the date of the occurrence of the violation.  
21

22 **SEC. 61. *Implementing Rules and Regulations.*** – The DENR, in consultation with other  
23 government agencies and relevant stakeholders charged with the administration and enforcement  
24 of this Act shall promulgate the necessary implementing rules and regulations within one (1) year  
25 from the effectivity of this Act.  
26

27 **SEC. 63. *Appropriations.*** - The amount necessary to initially implement the provisions of  
28 this Act shall be charged against the appropriations of the DENR in the current General  
29 Appropriations Act. *Provided*, that a share from the VAT on oil and natural gas, emission testing  
30 tax, flood control tax, road users tax, and the Reforestation, Watershed Management Health and/or  
31 Environment Enhancement Fund Power Industry Reform Act of 2001 (EPIRA), and its  
32 Implementing Rules and Regulations (IRR), shall be appropriated to fund provisions in this Act.  
33 Thereafter, such sums as may be necessary to fully implement the provisions in this Act shall be  
34 included in the annual General Appropriations Act. For local government units, the funding  
35 requirements shall be taken from their internal revenue allotment (IRA) and other sources of  
36 income including the income derived from the shares from the different modes of agreement.  
37

38 **SEC. 64. *Transitory Provisions.*** – Upon the approval of this Act, the DENR shall evaluate  
39 the conditions of all forest lands covered by existing tenure instruments, agreements or contracts,  
40 permits, and the like, which shall be allowed to continue until their expiry unless otherwise earlier  
41 terminated for cause.  
42

43 **SEC. 65. *Separability Clause.*** – Should any provision of this Act be subsequently declared  
44 not constitutional, such declaration shall not affect the validity or the legality of the other  
45 provisions.  
46

47 **SEC. 66. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations,  
48 issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or  
49 modified accordingly.  
50



1           **SEC. 67. *Effectivity.*** – This Act shall take effect thirty (30) days from the date of its  
2 publication in the Official Gazette and a newspaper of general circulation.

3

4           *Approved,*