

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

98

HOUSE BILL NO. _____



Introduced by REPRESENTATIVE MARIA LOURDES ACOSTA-ALBA

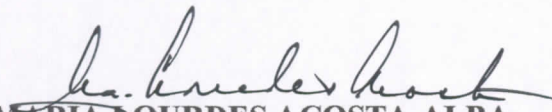
EXPLANATORY NOTE

One of the key legislative agenda of the Duterte administration under the Climate Change and Mitigation Cluster is the delineation of Specific Forest Limits. The same is also included in the Philippine Development Plan 2011-2016 under the past administration. This policy direction intends to pursue the action plan by identifying and providing the specific boundaries limits of forestlands per province, and delineate areas in which no other land use may prevail.

This proponent is therefore re-filing House Bill No. 7496, in consolidation with her original bill, House Bill No. 142, and two (2) other similar House Bills of the same subject during the 17th Congress, House Bills Nos. 3486 and 5945, as per Committee Report No. 707 of the House Committees on Natural Resources and Appropriations.

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

In view of the foregoing, the immediate passage of this bill is earnestly sought.


MARIA LOURDES ACOSTA-ALBA
First District, Bukidnon

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HOUSE BILL NO. _____

Introduced by REP. MARIA LOURDES O. ACOSTA-ALBA

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

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

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

2 SEC. 2. *Declaration of Policy* - It is the policy of the State to conserve, protect and develop
3 the forest resources of the country in order to attain ecological balance, preserve valuable
4 ecosystems, prevent environmental degradation and promote sustainable development for
5 the present and future generations. To achieve these ends, Section 4 of Article XII of the
6 Constitution mandates Congress to determine by law the specific limits of forestlands and
7 national parks marking clearly their boundaries on the ground.

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

9 (a) Agricultural lands refer to alienable and disposable lands of the public domain
10 which have been the subject of the land classification system and declared as not needed for
11 forest purposes

12 (b) Delimitation refers to the establishment of permanent boundary monuments of
13 forestland through land survey in accordance with existing standards and practices;

14 (c) Delineation refers to the conduct of site investigation, field reconnaissance and
15 assessment, and staking of boundaries between forestlands, national parks and agricultural
16 lands verified in the field in accordance with the criteria set forth under Department of
17 Environment and Natural Resources Administrative Order No. 2008-24;

1 (d) Forest refers to a land with an area of more than 0.5 hectare and tree crown cover
2 or equivalent stocking level of more than ten percent (10%) with trees at a minimum height
3 of five (5) meters at maturity, in situ. It consists either of closed forest formations, where trees
4 of various stories and undergrowth cover a high proportion of the ground or more than forty
5 percent (40%), or open formations with a continuous vegetation cover in which tree crown
6 cover exceeds ten percent (10%) but less than forty percent (40%). Young natural stands and
7 all plantations established for forest purposes, which are yet to reach a crown density of more
8 than ten percent (10%) or tree height of five (5) meters are included under forests.

9 (e) Forest Reservations refer to forestlands which have been reserved by the President
10 of the Philippines for any specific purpose or purposes;

11 (f) Production forest lands refer to forestlands available for timber and agro-forestry
12 production, range lands for grazing and other forest lands special uses;

13 (g) Protected Area refers to identified portions of land and/or water set aside by
14 reason of their unique physical and biological significance, managed to enhance biological
15 diversity and protected against destructive human exploitation.

16 (h) Protection forest lands refer to all areas within the forestlands devoted primarily
17 for the protection, conservation of forest resources to ensure environmental stability,
18 conservation of biological diversity, improvement of ecosystem functions and services, and
19 provision of ecological and economic benefits. All mossy and primary or old growth forests
20 and natural beach, key biodiversity areas, areas which are highly erodible or too rocky for
21 establishment as production forests, regardless of slope and vegetation cover that are
22 developed for the principal objective of establishing vegetative cover to prevent erosion,
23 conserve water and nurture wildlife, freshwater, swamps, and marshes, all areas along the
24 bank of the rivers and streams, and the shores of the seas and lakes throughout their entire
25 length and within the zone of three (3) meters in urban areas, twenty (20) meters in
26 agricultural areas, and forty (40) meters in forest areas, along their margins which are subject
27 to the easement of public use such as for recreation, settlements, navigation, floatage, fishing
28 or salvage shall also be sub-classified as protection forestlands. Cutting of trees and mining
29 are banned in these protection forestlands: Provided, That the provisions of the Republic Act
30 No. 8371, the Indigenous People's Rights Act (IPRA) and Republic Act No. 7586, the National
31 Integrated Protected Areas System (NIPAS) Act shall be respected.

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

5 SEC. 4. *Forestlands* - The following shall constitute forestlands:

6 (a) all lands of the public domain already classified as forestland based on existing
7 land classification maps issued by the DENR;

8 (b) all permanent forest reserves proclaimed as such by the President or declared by
9 law; and

10 (c) such areas within the unclassified lands of the public domain that were assessed
11 and delineated by the DENR in accordance with pertinent laws, rules and regulations and
12 which may hereafter be classified as forestland by the DENR.

13 SEC. 5. *Determining the Specific Limits of Forestlands.*- The following guidelines and
14 procedures shall be followed in determining the specific limits of forest lands in the country:

15 (a) The previously established Land Classification (LC) survey lines per province with
16 their respective technical descriptions (TDs) and maps shall be the basic data and information
17 that will be used as reference material in undertaking the validation, assessment and
18 delineation process.

19 (b) All completed assessment and delineation reports for a given province shall be
20 endorsed to the National Review and Evaluation Committee as created herein to be headed
21 by the Secretary of the DENR for final approval,

22 (c) The same process shall be followed for other provinces with on-going
23 assessments and delineation activities until such time that all the boundaries of forestlands
24 of the whole country shall have been delimited: Provided, That all assessments, validations
25 and delineations shall be completed not later than one (1) year after the passage of this Act.

26 SEC. 6. National Review and Evaluation Committee - Pursuant to the mandate embodied
27 in Section 4, Article XII of the Constitution, and in view of the urgent need to establish the
28 permanent limits of the forestlands of the country, a National Review and Evaluation
29 Committee, hereinafter to be referred to as the Committee, is hereby created to process,
30 evaluate and approve all completed assessment and delineation reports referred to in the
31 immediately preceding section. The Committee, in its evaluation and approval of the reports,

1 shall adhere strictly to established laws, policies, rules, regulations and guidelines pertinent
2 thereto.

3 The Committee shall be composed of the following:

4 (a) Secretary of the Department of Environment and Natural Resources (DENR) as
5 Chairperson;

6 (b) Secretary of the Socioeconomic Planning and Director-General of the National
7 Economic and Development Authority (NEDA) as Vice – Chairperson;

8 (c) Secretary of the Department of Interior and Local Government (DILG) as Member;

9 (d) Secretary of the Department of Agriculture (DA) as Member;

10 (e) Secretary of the Department of Agrarian Reform (DAR) as Member; and

11 (f) Chairman of the Housing and Urban Development Coordinating Council
12 (HUDCC) as Member.

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

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

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

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

29 SEC. 10. *Recognition of the Rights of the Indigenous Cultural Communities/Indigenous*
30 *Peoples and Tenured Migrant Communities.* - In the ground delineation of the permanent forest
31 limits, the occupation by indigenous cultural communities/indigenous peoples and tenured

migrants shall be recognized and respected consistent with the provisions of Republic Act No. 7160 or the Local Government Code of 1991, Republic Act No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997, and Presidential Decree No. 705, as amended, or the Forestry Code of 1975.

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

SEC. 12. *Land Classification Conflict Adjudication Board.* - A Land Classification Conflict Adjudication Board, herein referred to as the Board, is hereby created to resolve controversies arising from land classification as a result of the delimitation of forest lands pursuant to this Act. The Board shall be composed of the following:

- (a) Secretary of the Department of Justice (DOJ) as Chairperson;
- (b) Administrator of the Land Registration Authority (LRA) as Member;
- (c) Representative from the Integrated Bar of the Philippines (IBP) as Member;
- (d) Representative from a reputable College of Forestry as Member; and
- (e) Representative from the private sector as Member.

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

- (1) Adjudicate cases on land conflicts and adverse claim before it for resolution; (2) Summon witnesses, administer oaths, take testimony and require submission of reports;
- (3) Compel production of books and documents and answers to interrogatories; and (4) Issue subpoena duces tecum, writs of possession, writs of execution and other writs to enforce its orders and decisions.

In any proceeding before the Board, the Rules of Evidence prevailing in courts of law or equity shall not be controlling and it is the spirit and intention of this Act that shall govern. The Board shall use every and all reasonable means to ascertain the facts in each case speedily and objectively. The findings of fact of the Board shall be conclusive and binding on the parties and its decision or order shall be final and executory.

A petition for review by certiorari and question of law may be filed by the aggrieved party with the Supreme Court within thirty (30) days from receipt of the order or decision of the Board.

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

5 SEC. 15. *Appropriations.* - The Secretary of the DENR shall include in the Department's
6 program the implementation of this Act, the initial funding of which shall be charged against
7 the current year's appropriations of the Department and, thereafter, shall be included in the
8 annual General Appropriations Act.

9 Funds for the implementation of the provisions of this Act shall be supplemented from
10 any available official development assistance (ODA) and from joint projects between
11 agencies of the Philippines and an assisting country. Local government units shall also
12 allocate counterpart funds to be taken from their internal revenue allotment (IRA) and other
13 LGU income for the delineation of the forest limits within their respective territorial
14 jurisdictions.

15 SEC. 16. *Implementing Rules and Regulations.* - Within ninety (90) days from the
16 effectivity of this Act, the Secretary of the DENR shall issue the corresponding Implementing
17 Rules and Regulations for its implementation.

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

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

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

25 Approved,