

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



HOUSE OF REPRESENTATIVES

H. B. No. 4540

Introduced by Rep. Vilma Santos-Recto
6th District of Batangas

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

EXPLANATORY NOTE

The 1987 Constitution provides that Congress shall determine by law the specific limits of forest lands and national parks, which shall thereafter be conserved and may not be increased nor diminished.

According to government statistics, half of the country's total land area or roughly 15.05 million hectares is classified as forest land. These lands classified under forest land are further disaggregated into different categories, such that only 3.27 million hectares out of the 15.05 million hectares are classified as forest reserves. However, the lack of demarcation separating the lands classified as forest reserves from other classes may have resulted to an inaccurate picture as to the actual size of the country's forest lands, as some may have been encroached by various adjacent land developments or have been reclassified in accordance with existing laws.

In order to mitigate further encroachment, the Department of Environment and Natural Resources (DENR), as of 2017, has completed the delineation and assessment of 89,091 kilometers of forest lines for submission to the National Assessment and Delineation Committee.

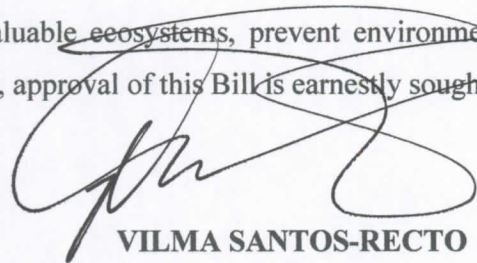
However, in order to strengthen DENR's efforts in the delineation and assessment of the country's forest lands, an enabling law is necessary to provide a legal framework to

preserve the remaining forest resources, protect, manage and utilize these lands for purposes consistent with sustainable development. With the growing threat of further encroachment over remaining forest lands at hand, it is imperative for government to secure forest lands from further dissipation due in part to uncontrolled development and urban expansion.

This measure seeks to define the scope of forestlands, as well as provide guidelines in determining the specific limits of forestlands. For this purpose, a National Review and Evaluation Committee, headed by the Secretary of Environment and Natural Resources, shall be created to process, evaluate and approve all completed assessment and delineation reports referred to the said Committee. The DENR shall, upon determination of final forest lines, delimit and establish boundary monuments on the ground. Forestlands delineated under this legislation shall be conserved and may not be increased nor decreased, except by law.

In order to resolve controversies arising from land classification as a result of the delimitation of forestlands, a Land Classification Conflict Adjudication Board shall also be created under this Bill.

To attain ecological balance, preserve valuable ecosystems, prevent environmental degradation and promote sustainable development, approval of this Bill is earnestly sought.



VILMA SANTOS-RECTO

HOUSE OF REPRESENTATIVES

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**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 House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as the "Forest Lands Limits Act of
2 2019".

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to conserve, protect and
4 develop the forest resources of the country in order to attain ecological balance, preserve
5 valuable ecosystems, prevent environmental degradation and promote sustainable
6 development for the present and future generations. To achieve these ends, the specific limits
7 of forest lands and national parks shall be determined by law and their boundaries marked
8 clearly on the ground.

9 Sec. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

- 10 a) *Agricultural lands* shall refer to alienable or disposable lands of the public
11 domain which have been the subject of the land classification system and
12 declared as not needed for forest purposes;
13 b) *Delineation* shall refer to the conduct of site investigation, field reconnaissance
14 and assessment, and staking of boundaries between forest lands, national parks
15 and agricultural lands verified in the field in accordance with the criteria set
16 forth under Department of Environment and Natural Resources (DENR)
17 administrative orders;

- 1 c) *Demarcation and delimitation survey* shall refer to the establishment of
2 permanent boundary monuments of forest land through ground survey in
3 accordance with existing standards and practices;
- 4 d) *Forest lands* shall include the public forests, the permanent forest or forest
5 reserves, and forest reservations;
- 6 e) *Forest reservations* shall refer to forest lands which have been reserved by the
7 President of the Philippines for any specific purpose or purposes;
- 8 f) *Permanent forest* or *Forest reserve* shall refer to those lands of the public
9 domain which have been the subject of the present system of classification and
10 determined to be needed for forest purposes;
- 11 g) *Production forest lands* shall refer to forest lands available for timber and agro-
12 forestry production, range lands for grazing, and other forest lands for special
13 uses;
- 14 h) *Protected area* shall refer to identified portions of land and water set aside by
15 reason of their unique physical and biological significance, managed to enhance
16 biological diversity and protected against destructive human exploitation;
- 17 i) *Protection forest lands* shall refer to all areas within the forest lands devoted
18 primarily for the protection and conservation of forest resources to ensure
19 environmental stability, conservation of biological diversity, improvement of
20 ecosystem functions and services, and provision of ecological and economic
21 benefits. All mossy and primary/old growth forests and natural beach; key
22 biodiversity areas; areas regardless of slope and vegetation cover which are
23 highly erodible or too rocky for establishment of production forests; areas
24 developed for the principal objectives of establishing vegetative cover to
25 prevent erosion, conserve water and nurture wildlife; freshwater bodies,
26 swamps, and marshes; all areas along the bank of the rivers and streams; and the
27 shores of the seas and lakes throughout their entire length and within the zone of
28 three (3) meters in urban areas, twenty (20) meters in agricultural areas, and
29 forty (40) meters in forest areas, along their margin which are subject to the
30 easement of public use in the interest of recreation settlements, navigation,
31 floatage, fishing and salvage, shall also be sub-classified as protection forest
32 lands: *Provided*, That the provisions of Republic Act No. 8371 or the
33 Indigenous Peoples Rights Act (IPRA) of 1997 and Republic Act No. 11038 or

the Expanded National Integrated Protected Areas System (NIPAS) Act of 2018 shall be respected;

- j) *Public forest* shall refer to the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest purposes and which are not; and
- k) *Tenured migrant communities* shall refer to communities within forest lands which have actually and continuously occupied such areas for five (5) years before the designation of the same as forest lands in accordance with this Act and are solely dependent therein for subsistence.

Sec. 4. *What Constitutes the Forest Lands.* – The following shall constitute the forest lands, to wit:

- a) all lands of the public domain already classified as forest land as per existing land classification maps issued by the DENR;
- b) all permanent forest reserves proclaimed as such by the President or declared by law; and
- c) such areas within the unclassified lands of the public domain that were assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations and which may hereafter be classified as forest land by the DENR.

Sec. 5. *Guidelines in Determining the Specific Limits of Forest Lands.* – The following guidelines and procedures shall be followed in determining the specific limits of forest lands in the country:

- a) The previously-established Land Classification (LC) survey lines per province with their respective technical descriptions (TDs) and maps shall be the basic data and information that will be used as reference material in undertaking the validation, assessment and delineation process;
- b) All completed assessment and delineation reports for a given province shall be endorsed to the National Review and Evaluation Committee as created herein to be headed by the Secretary of the DENR for final approval; and
- c) The same process shall be followed for other provinces with on-going assessments and delineation activities until such time that all the boundaries of forest lands of the whole country shall have been delimited: *Provided, That* all assessments, validations and delineations shall be completed not later than one (1) year after the effectivity of this Act.

1 Sec. 6. *National Review and Evaluation Committee.* – A National Review and
2 Evaluation Committee is hereby created to process, evaluate, and approve all completed
3 assessment and delineation reports referred to in Section 5 of this Act. The Committee, in its
4 evaluation and approval of the said reports, shall adhere strictly to existing established laws,
5 policies, rules, regulations and guidelines pertinent thereto.

6 The Committee shall be composed of the following:

- 7 a) Secretary of the DENR as Chairperson;
- 8 b) Secretary for Socioeconomic Planning and Director-General of the
9 National Economic and Development Authority (NEDA) as Vice-Chairperson;
- 10 c) Secretary of the Department of the Interior and Local Government (DILG) as
11 Member;
- 12 d) Secretary of the Department of Agriculture (DA) as Member;
- 13 e) Secretary of the Department of Human Settlements and Urban Development
14 (DHSUD) as Member;
- 15 f) Chairperson of the National Commission on Indigenous Peoples (NCIP) as
16 Member; and
- 17 g) President of the League of Provinces of the Philippines as Member.

18 Upon approval of the assessment and delineation reports, the Committee shall submit
19 the same to Congress to form part of its official records. The assessment and delineation
20 reports as approved by the Committee shall be adopted as constituting the final boundaries of
21 the forest lands covered by the said report.

22 The National Review and Evaluation Committee shall be assisted by the Forest
23 Management Bureau (FMB) of the DENR in the process, evaluation and review of all
24 completed assessment and delineation reports referred to in the preceding section. The FMB
25 staff shall serve in the National Review and Evaluation Committee without compensation but
26 may be reimbursed for basic expenses in the preparation of the assessment and delineation
27 reports.

28 Sec. 7. *Demarcation and Delimitation of Forest Land Boundary.* – Immediately after
29 the forest line has been determined following the guidelines prescribed in Section 5 hereof,
30 the DENR shall delimit and establish the permanent boundary monuments on the ground.

31 Sec. 8. *Permanency of the Specific Forest Lands Limits.* – The permanent forest lands
32 established pursuant to this Act shall not be diminished or reduced except by an Act of
33 Congress. The DENR, in coordination with all agencies and branches of government, shall

1 ensure that the forest cover and vegetation therein shall be protected, preserved and
2 enhanced.

3 Sec. 9. *Sub-classification of the Permanent Forest Lands.* – The permanent forest lands
4 shall be further sub-classified as follows: (a) protection forest lands; and (b) production forest
5 lands.

6 After due consultation with the local government units (LGUs) concerned, tenured
7 migrant communities, and other stakeholders, the DENR shall undertake the sub-
8 classification of the permanent forest lands.

9 Cutting of trees and mining shall be banned in the protection forest lands.

10 Sec. 10. *Recognition of the Rights of the Indigenous Cultural Communities/Indigenous*
11 *Peoples and Tenured Migrant Communities.* – In the ground delineation of the permanent
12 forest land limits, the occupation by indigenous cultural communities/indigenous peoples and
13 tenured migrant communities shall be recognized and respected, consistent with the
14 provisions of Republic Act No. 7160 or the Local Government Code of 1991, Republic Act
15 No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997, and Presidential Decree No.
16 705, as amended, or the Forestry Code of 1975.

17 Sec. 11. *Accessibility of Record to the Public.* – All records and information pertaining
18 to the specific forest lands limits delineated pursuant to this Act shall be made available to the
19 general public.

20 Sec. 12. *Creation of the Adjudication Board to Resolve Controversies on Land*
21 *Classification Conflicts* – A Land Classification Conflict Adjudication Board, herein referred
22 to as the Board, is hereby created to resolve controversies arising from land classification as a
23 result of the delimitation of forest lands pursuant to this Act. The Board shall be composed of
24 the following:

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

30 Sec. 13. *Powers and Functions of the Adjudication Board.* – The Board shall have the
31 following powers and functions:

- 32 1) Resolve controversies arising from land classification as a result of the
- 33 delimitation of forest lands pursuant to this Act;

- 1 2) Summon witnesses, administer oaths, take testimony and require submission of
- 2 reports;
- 3 3) Compel production of books and documents and answers to interrogatories; and
- 4 4) Issue subpoena *duces tecum*, writs of possession, writs of execution and other
- 5 writs to enforce its orders and decisions.

6 In any proceeding before the Board, the Rules of Evidence prevailing in courts of law
7 or equity shall not be controlling and it is the spirit and intention of this Act that shall govern.
8 The Board shall use any and all reasonable means to ascertain the facts in each case speedily
9 and objectively and without regard to technicalities of law or procedure, in the interest of due
10 process. In any proceeding before the Board, the parties may be represented by legal counsel.

11 The findings of fact of the Board shall be conclusive and binding on the parties and its
12 decision or order shall be final and executory.

13 Appeal on the decision or order of the Board involving questions of law by way of
14 petition for review may be filed by the aggrieved party with the Court of Appeals under Rule
15 43 of the Rules of Court within fifteen (15) days from notice of the order or decision of the
16 Board.

17 Sec. 14. *Monitoring, Evaluation and Reporting System.* – To attain the objectives of
18 this Act, a field monitoring, evaluation and reporting system shall be adopted by the DENR
19 to regularly keep track of the state of the country's forest lands after their delimitation.
20 Toward this end, at the opening of each Session of Congress, the DENR shall submit a report
21 to the President on the status of the forestlands for transmission to Congress.

22 Sec. 15. *Appropriations.* – The Secretary of the DENR shall include in the
23 Department's budget program the funds necessary for the implementation of this Act, the
24 initial funding of which shall be charged against the current year's appropriations of the
25 Department and thereafter included in the annual General Appropriations Act (GAA).

26 Funds for the implementation of the provisions of this Act shall be supplemented by
27 any available Official Development Assistance (ODA) and from joint projects between
28 agencies of the Philippines and an assisting country.

29 The LGUs shall also allocate counterpart funds to be taken from their Internal Revenue
30 Allotment (IRA) and other LGU income for the delineation of the forest lands within their
31 respective territorial jurisdictions.

32 Sec. 16. *Implementing Rules and Regulations.* – Within ninety (90) days from the
33 effectivity of this Act, the Secretary of the DENR shall issue the corresponding implementing
34 rules and regulations for the effective implementation of this Act.

1 Sec. 17. *Separability Clause.* – If any portion of this Act is declared unconstitutional,
2 the same shall not affect the validity and effectivity of the other provisions not affected
3 thereby.

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

7 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete
8 publication in the *Official Gazette* or in two (2) newspapers of general circulation in the
9 Philippines.

Approved,