



## HOUSE OF REPRESENTATIVES

H. No. 6131

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BY REPRESENTATIVES SUAREZ, GARIN (S.), MENDOZA (M.), SARMIENTO (C.),  
GARBIN, FERRIOL, GONZALEZ, FORTUNO, FERRER (A.), ROMARATE,  
PAEZ, MATUGAS, TEVES, PIAMONTE, SACDALAN, LIMKAICHONG,  
BATOCABE, JOSON, GARAY, PANOTES, VALENCIA, PALMONES,  
ROMUALDO, ESPINA, UNGAB, MAGSAYSAY (E.), CATAMCO,  
SY-ALVARADO, ILAGAN, ZAMORA-APSAY, CO, OBILLO, LICO,  
EVARDONE, BALINDONG, MERCADO (R.), RELAMPAGOS, GULLAS,  
PING-AY, PANGANDAMAN (S.), ACHARON, BRIONES, CABALUNA AND  
GUANLAO, PER COMMITTEE REPORT NO. 2148

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AN ACT PROVIDING FOR STIFFER PENALTIES FOR THE  
UNAUTHORIZED CUTTING OF COCONUT TREES, GRANTING  
POLICE POWERS TO THE PHILIPPINE COCONUT AUTHORITY  
(PCA), AMENDING FOR THE PURPOSE REPUBLIC ACT  
NO. 8048, OTHERWISE KNOWN AS THE "COCONUT  
PRESERVATION ACT OF 1995"

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

1 SECTION 1. Section 4 of Republic Act No. 8048, also known as the  
2 "Coconut Preservation Act of 1995", is hereby amended to read as follows:

3 "SEC. 4. *Prohibition.* - No coconut tree shall be cut except  
4 in the following cases and only after a permit had been issued  
5 therefor:

6 "a) When the tree is sixty (60) years old;

7 "b) When the tree is no longer economically productive;

1           “c) When the tree is disease-infested;

2           “d) When the tree is damaged by typhoon or lightning;

3           “e) When the agricultural land devoted to coconut  
4 production shall have been converted in accordance with law into  
5 residential, commercial or industrial areas;

6           “f) When the land devoted to coconut production shall be  
7 converted into other agricultural uses or other agriculture-related  
8 activities in pursuance to a conversion duly applied for by the  
9 owner and approved by the proper authorities: *Provided*, That no  
10 conversion shall be allowed by the PCA until after it shall have  
11 been verified and certified that for a period of at least three (3)  
12 years the majority of the coconut trees have become senescent and  
13 economically unproductive or where the coconut farm is not  
14 adaptable to sound management practices on account of  
15 geographical location, topography, drainage and other conditions  
16 rendering the farm economically unproductive; and

17           “g) When the tree would cause hazard to life and property.

18           “THE ABOVEMENTIONED ACTS, HOWEVER, CAN ONLY BE  
19 DONE DURING THE MONTHS OF OCTOBER, NOVEMBER AND  
20 DECEMBER. [No other causes] [o]Other than [those  
21 abovementioned] THESE CASES, NO OTHER CAUSE shall be  
22 considered as a valid ground for cutting.”

23           SEC. 2. Section 5 of Republic Act No. 8048 is hereby amended to read  
24 as follows:

25           “SEC. 5. *Permit to Cut.* – No coconut tree or trees shall be  
26 cut unless a permit therefore, upon due application being made, has  
27 been issued by the PCA pursuant to Section 6 of this Act.

1           “The applicant shall pay an application fee in the amount  
2 of [Twenty-five pesos (P25)] **ONE HUNDRED PESOS (P100)** for  
3 every tree intended to be cut payable to the PCA. [Ten pesos  
4 (P10)] **FORTY PESOS (P40)** of the fee shall accrue in favor of the  
5 PCA, [Ten pesos (P10)] **FORTY PESOS (P40)** in favor of the  
6 municipal government concerned, and [Five pesos (P5)] **TWENTY**  
7 **PESOS (P20)** in favor of the barangay unit concerned. The fees  
8 **ALLOCATED TO THE PCA** shall be used for [the PCA’s] **ITS**  
9 replanting program and **THE FEES ALLOCATED TO THE**  
10 **MUNICIPAL GOVERNMENT SHALL BE USED** for the repair and  
11 rehabilitation of roads of the respective local government units  
12 which have been damaged by the continuous passage of heavy  
13 vehicles used for transporting coconut lumber, **AND OF MUNICIPAL**  
14 **FARM TO MARKET ROADS.**

15           **“FEES HEREIN COLLECTED SHALL BE DEPOSITED WITH THE**  
16 **NEAREST LAND BANK OF THE PHILIPPINES BRANCH OR OTHER**  
17 **GOVERNMENT DEPOSITORY BANK. FEES ACCRUING TO THE**  
18 **LOCAL GOVERNMENT UNIT SHALL BE REMITTED WITHIN THREE**  
19 **(3) MONTHS IN ACCORDANCE WITH EXISTING COMMISSION ON**  
20 **AUDIT (COA) RULES AND REGULATIONS.**

21           “No permit to cut shall be granted unless the applicant[, in  
22 coordination with the PCA and the local government unit  
23 concerned,] **HAS SECURED FROM THE BARANGAY CAPTAIN OF**  
24 **THE LOCALITY WHERE THE CUTTING WILL BE DONE, A**  
25 **CERTIFICATION UNDER OATH THAT HE/SHE** has already planted  
26 the equivalent number of coconut trees applied for to be cut.

1           “Such replantings, however, shall not apply to areas  
2 converted into industrial, commercial or residential sites or land  
3 transformed in accordance with law, into other agricultural  
4 purposes.

5           “The PCA, in coordination with the local government unit  
6 concerned, shall VERIFY IF A REPLANTING WAS IMPLEMENTED  
7 AND regulate and oversee the [planting,] fertilization and care of  
8 the newly planted coconut trees. For this purpose, it shall be  
9 incumbent upon the PCA to conduct, from time to time, on-the-spot  
10 inspections of the sites where the coconut trees have been planted.”

11       SEC. 3. A new section is hereby added after Section 6 to be designated  
12 as Section 7, to read as follows:

13           “**SEC. 7. POLICE POWERS. – THE PCA SHALL BE VESTED**  
14 **WITH THE AUTHORITY TO EXERCISE DULY DELEGATED POLICE**  
15 **POWERS FOR THE PROPER PERFORMANCE OF ITS FUNCTIONS AND**  
16 **DUTIES, TO WIT:**

17           “(A) INVESTIGATE SUSPECTED VIOLATIONS OF THIS ACT;

18           “(B) ARREST AND APPREHEND ANY PERSON ACTUALLY  
19 COMMITTING OR ATTEMPTING TO COMMIT AN OFFENSE UNDER  
20 THIS ACT;

21           “(C) ARREST AND APPREHEND POSSESSOR OF COCONUT  
22 LUMBER WITHOUT THE NECESSARY PERMIT AS REQUIRED UNDER  
23 THIS ACT;

24           “(D) SEARCH AND SEIZE A MOVING VEHICLE WITH  
25 ILLEGALLY CUT, GATHERED, COLLECTED OR REMOVED  
26 COCONUT LUMBER: *PROVIDED*, THAT PROBABLE CAUSE FOR  
27 THE SEARCH IS ESTABLISHED;

1           “E) STOP THE TRANSPORT AND/OR SHIPMENT OF  
2 COCONUT LUMBER WITHOUT AUTHORITY OR WITHOUT LEGAL  
3 DOCUMENTS IN ACCORDANCE WITH PERTINENT LAWS,  
4 REGULATIONS OR POLICIES ON THE MATTER;

5           “F) CONFISCATE AND FORFEIT IN FAVOR OF THE  
6 GOVERNMENT THE ILLEGALLY CUT, GATHERED, COLLECTED,  
7 REMOVED, POSSESSED OR ABANDONED COCONUT LUMBER, AS  
8 WELL AS THE MACHINERY, EQUIPMENT, IMPLEMENTS AND  
9 TOOLS ILLEGALLY USED IN THE COMMISSION OF THE OFFENSE  
10 AND TO DISPOSE OF THE SAME IN ACCORDANCE WITH PERTINENT  
11 LAWS, REGULATIONS OR POLICIES ON THE MATTER; AND

12           “G) SEEK THE ASSISTANCE OF OTHER LAW  
13 ENFORCEMENT AGENCIES FOR THE EFFICIENT AND EFFECTIVE  
14 IMPLEMENTATION OF THIS ACT.”

15           SEC. 4. Section 7 of Republic Act No. 8048, to be designated as  
16 Section 8, is hereby amended to read as follows:

17           “SEC. [7]8. *Implementing Rules.* – The Philippine Coconut  
18 Authority shall be the lead agency to implement the provisions of  
19 this Act. For this purpose, the Philippine Coconut Authority shall  
20 prescribe the necessary rules and regulations for the immediate and  
21 effective implementation of this Act.

22           “The PCA, in order to effectively implement the provisions  
23 of this Act, may request the assistance of any local government  
24 unit, to monitor and ensure compliance with this Act including its  
25 implementing rules and regulations. For this purpose, the PCA  
26 may deputize the Philippine National Police or other law  
27 enforcement agencies to investigate and apprehend those caught  
28 violating the provisions of this Act, including the confiscation of

1 illegally cut coconut trees. **IN ORDER TO PREVENT WASTAGE, THE**  
2 **PCA SHALL ORDER THE IMMEDIATE DISPOSITION OF**  
3 **CONFISCATED COCONUT LUMBER IN A MANNER TO BE**  
4 **DETERMINED BY THE PCA.**

5 "In addition to the foregoing, the PCA shall also, in  
6 coordination with the local government unit concerned, require the  
7 registration of all sawmills, lumberyards, coconut wood dealers and  
8 other persons or entities dealing in the processing, sawing of  
9 coconut trees."

10 SEC. 5. Section 8 of Republic Act No. 8048, to be designated as  
11 Section 9, is hereby amended to read as follows:

12 "SEC. [8]9. *Penalties.* – Those found guilty of violating  
13 this Act or any rules and regulations issued pursuant hereto shall,  
14 upon conviction, be punished by imprisonment of not less than  
15 [one (1) year] **TWO (2) YEARS** but not more than six (6) years, or a  
16 fine of not less than [Fifty thousand pesos (P50,000)] **ONE**  
17 **HUNDRED THOUSAND PESOS (P100,000)** but not more than Five  
18 hundred thousand pesos (P500,000), or both, in the discretion of  
19 the court.

20 "If the offender is a corporation or a juridical entity, the  
21 official who ordered or allowed the commission of the offense shall  
22 be punished with the same penalty.

23 "If the offender is in the government service, he shall, in  
24 addition be dismissed from office.

25 "UPON VERIFICATION BY THE PCA THAT NO REPLANTING  
26 WAS DONE, THE BARANGAY CAPTAIN WHO ISSUED THE  
27 CERTIFICATION SHALL, UPON CONVICTION, BE PENALIZED WITH

1           **IMPRISONMENT OF NOT LESS THAN THREE (3) YEARS BUT NOT**  
2           **MORE THAN SEVEN (7) YEARS AND A FINE OF NOT LESS THAN**  
3           **ONE HUNDRED THOUSAND PESOS (P100,000) BUT NOT MORE**  
4           **THAN ONE MILLION PESOS (P1,000,000). FURTHERMORE, THE**  
5           **BARANGAY CAPTAIN CONCERNED SHALL BE PERPETUALLY**  
6           **DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE.”**

7           The succeeding sections shall be renumbered accordingly.

8           SEC. 6. *Separability Clause.* – If any provision or part hereof is held  
9           invalid or unconstitutional, the remainder of the law or the provisions not  
10          otherwise affected shall remain valid and subsisting.

11          SEC. 7. *Repealing Clause.* – All laws, issuances or parts thereof  
12          inconsistent with this Act are hereby repealed or modified accordingly.

13          SEC. 8. *Effectivity Clause.* – This Act shall take effect after its  
14          publication in two (2) newspapers of general circulation.

          Approved,

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