



## HOUSE OF REPRESENTATIVES

H. No. 4491

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BY REPRESENTATIVES AGBAYANI, DE VENECIA, SEACHON-LANETE, NANTES,  
ALCALA, ANGARA, BARBERS, FIRMALO AND ABAYON, PER COMMITTEE  
REPORT NO. 950

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AN ACT PROVIDING FOR A SELF-SUSTAINING FOREST  
MANAGEMENT PROGRAM TO BE KNOWN AS THE TREE FOR  
LEGACY PROGRAM, BY GIVING ECONOMIC AND OTHER  
INCENTIVES TO TREE PLANTERS ON PRIVATE AND PUBLIC  
FORESTLANDS

*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 “Tree for  
2 Legacy Act of 2006”.

3           SEC. 2. *Declaration of Policies.* – In conformity with the provisions of  
4 the Constitution to promote social justice in all phases of national  
5 development; to protect and advance the general welfare and right of the  
6 Filipino people to a balanced and healthful environment; and to conserve and  
7 develop the patrimony of the nation, the State hereby adopts the following

1 policies relative to the conservation and management of forests and their  
2 resources:

3 (a) The State shall ensure equitable access and sharing of rights to  
4 natural resources development, management, protection and utilization by  
5 providing opportunities to the people to participate actively in forest resource  
6 development; and

7 (b) The State recognizes the role of local government units (LGUs),  
8 people's organizations (POs) and the community in general as effective  
9 partners of the government in the implementation and management of  
10 community-based forestry projects and other forest development projects.

11 SEC. 3. *Objectives.* -- This Act intends to help restore the vegetation of  
12 bare, open and denuded forestlands, and to share the responsibility of  
13 environmental enhancement and protection. For this purpose, the entire  
14 citizenry is encouraged to be involved and to impress upon them the  
15 importance and benefits of planting trees. Further, this Act aims to attain the  
16 following objectives:

17 (a) To encourage the participation of the public and private civil  
18 society in the reforestation program of the government;

19 (b) To enhance public awareness on environmental restoration and  
20 protection towards a healthy and wholesome environment;

1 (c) To generate incentives and additional source of income and  
2 livelihood without impairing the ecological balance of the country's natural  
3 resources;

4 (d) To reduce poverty incidence in the uplands;

5 (e) To cover available lands possible including, but not limited to, the  
6 protection and production of forestlands and private lands; and

7 (f) To accelerate the implementation of reforestation programs with  
8 minimal government assistance.

9 SEC. 4. *The Tree for Legacy Program.* – The Tree for Legacy  
10 Program, hereinafter referred to as the Program, is a nationwide reforestation  
11 program to be administered by the LGUs in partnership with the Department  
12 of Environment and Natural Resources (DENR) and other concerned  
13 government agencies. The program shall encourage the participation of  
14 individuals, groups and communities by providing incentives, rights and  
15 privileges to tree planters.

16 SEC. 5. *Areas Eligible or Available for the Tree for Legacy*  
17 *Program.* – The Program shall include and cover private lands, protection  
18 forests, production forests, open public lands and other lands deemed  
19 appropriate by the DENR.

20 SEC. 6. *Who May Avail of the Program.* – The Program is open to all,  
21 but not limited to, individuals, government employees, group of employees,

1 civic and religious organizations, cooperatives, associations, POs, youths,  
2 students, the Philippine National Police (PNP) and military groups who meet  
3 the desired requirements. Beneficiaries of existing DENR reforestation  
4 programs may also avail of this Program.

5         SEC. 7. *Issuance of Agreements, Certificates and Permits.* – To ensure  
6 and enable the proper implementation of the Program, the following contracts,  
7 certificates and permits shall be issued:

8         (a) Tree for Legacy Contract (TLC) – The DENR Provincial Office  
9 shall, upon the recommendation of the municipal/city government concerned,  
10 issue the TLCs over the lands applied for by virtue of this Act. For public  
11 lands, the TLC shall allocate the portion of land applied for to be covered by  
12 this Act. The TLC shall also enable the grantee to plant trees and utilize the  
13 covered land for agro-forestry purposes as contained in the Indicative  
14 Development and Environment Plan which shall form part of the TLC,  
15 embody the rights and obligations of the applicants and the grantor and shall  
16 serve as the basis for the issuance of the Certificate of Tree Ownership and  
17 Certificate of Usufruct. The TLC shall have a life-span of twenty-five (25)  
18 years, and renewable for another twenty-five (25) years.

19         (b) Certificate of Tree Ownership (CTO) – The CTO is issued to cover  
20 the trees planted by the grantee on titled lands, production forests and other  
21 non-protected areas. The CTO shall signify the tree planters' ownership over

1 the trees they have planted and enable the planters to cut and transport their  
2 forest products. The DENR Provincial Office and the provincial government  
3 shall jointly conduct complete inventory and thorough inspection to ensure  
4 compliance with the prescribed conditions prior to the issuance of the CTO.

5 (c) Certificate of Usufruct (COU) – The COU is issued to cover the  
6 trees planted by the grantee on protection forest plantation areas and other  
7 areas where cutting is prohibited as determined by the DENR. The COU shall  
8 permit the tree planters to enjoy the fruits of their plantations. The DENR  
9 Provincial Office and the provincial government shall jointly conduct  
10 complete inventory and thorough inspection to ensure compliance with the  
11 prescribed conditions prior to the issuance of the COU.

12 (d) Permit to Harvest – Those with COU shall immediately be given  
13 the permit to harvest the fruits and the by-products thereof, provided there is  
14 no cutting of trees that will be involved. The permit shall be issued by the  
15 local DENR Office concerned upon the recommendation of the provincial  
16 government.

17 (e) Permit to Cut and Transport – Those with CTO shall be given  
18 permit to cut and transport upon compliance with the conditions set forth by  
19 the DENR in the implementing rules and regulations.

20 SEC. 8. *Incentives and Privileges.* – To encourage participation in the  
21 Program, the following incentives and privileges are hereby granted:

1           (a) All planted trees within private lands and forestlands shall belong  
2 to the owner or grantee who shall have the right to harvest, sell and utilize  
3 such trees and crops, except those retained for environmental protection  
4 purposes or those identified by the DENR as mother trees;

5           (b) All plantation products shall be exempted from the payment of  
6 forest charges. However, the municipal/city government concerned may enact  
7 an ordinance imposing service charges which shall constitute a lien on the  
8 trees;

9           (c) Technical and marketing assistance shall be provided by the DENR  
10 and the respective LGUs to the holders of the CTO and the COU; and

11           (d) The TLC, the CTO and the COU are transmissible either by  
12 voluntary transfer or by testate or intestate succession.

13           SEC. 9. *Obligations of Grantees, the DENR and the LGU.* – The  
14 following obligations are hereby imposed for the effective and successful  
15 implementation of the Program:

16           (a) Obligations of Grantees – The grantees or beneficiaries of the  
17 Program shall:

18           (1) prepare an *Indicative Development and Environment Plan* for the  
19 project;

20           (2) be responsible for the financial requirements of the project;

1           (3) assist in the delineation and survey of the area applied for under the  
2 TLC;

3           (4) abide by the rules and guidelines prescribed by the DENR with  
4 respect to proper forest plantation management; and

5           (5) report any violation of forest laws, rules and regulations.

6           (b) Obligations of the DENR – The DENR, through its provincial  
7 offices, shall:

8           (1) assist the grantee in the preparation of the Indicative Development  
9 and Environment Plan as part of the TLC;

10           (2) issue permit to cut, harvest or transport timber or lumber subject to  
11 existing forestry laws, rules and regulations;

12           (3) determine the trees to be harvested in coordination with the  
13 municipal/city government; and

14           (4) monitor the cutting and processing of trees including the transport  
15 of forest products in coordination with the concerned municipal/city  
16 government.

17           (c) Obligations of the Municipal/City Government – The concerned  
18 municipal/city government shall:

19           (1) serve as custodian and registering officer of all documents relative  
20 to this Program in coordination with the DENR local office;

21           (2) assist in the identification of sites for tree planting;

1 (3) screen and endorse qualified participants to the DENR local office;

2 (4) establish seedling nursery; and

3 (5) monitor the implementation of the Program in the municipality.

4 (d) Obligations of the Sangguniang Barangay – The sangguniang  
5 barangay, through the punong barangay, shall:

6 (1) validate the identity of participants and issue appropriate  
7 certification thereof; and

8 (2) act as arbiter of all conflicts arising relative to the Program.

9 (e) Obligations of the Grantor – The DENR and the provincial  
10 government shall:

11 (1) identify, evaluate and survey and map out areas subject of the  
12 Program;

13 (2) approve and issue the TLC for areas within private and public  
14 forestlands;

15 (3) approve and issue the CTO within private and public forestlands  
16 within the production forest plantations;

17 (4) approve and issue the COU within protection forest plantations;

18 (5) provide technical and marketing assistance to the Program  
19 beneficiaries;

20 (6) establish a data-base system on all projects within its jurisdiction;

21 and



1           (7) monitor program implementation in the province.

2           SEC. 10. *Rights of the Grantee.* -- The grantee shall have the right to:

3           (a) sell, convey and transfer to any person or group of persons,  
4 associations, corporations, government agencies or entities the rights over the  
5 standing planted trees covered by the CTO;

6           (b) gather and harvest fruits and by-products thereof covered by the  
7 COU;

8           (c) transfer by will and testament or through intestate succession the  
9 trees covered by his/her CTO/COU;

10          (d) utilize the land for agro-forestry and other productive purposes that  
11 may add income, prevent fire and erosion and promote eco-tourism;

12          (e) utilize branches as a result of pruning and thinning and enjoy the  
13 right to cut trees destroyed by natural calamities or disease-stricken after  
14 inventory of such damaged trees has been jointly made by the DENR and the  
15 provincial government;

16          (f) harvest and utilize planted trees in production areas covered by the  
17 CTO; and

18          (g) in case of private properties, if the grantee has already harvested  
19 the tree crops, the owner shall have the right to utilize his/her land for  
20 agricultural purposes.

1           SEC. 11. *Assistance by Government Agencies.* – To ensure the  
2 progressive development and success of the Program, assistance to the LGUs  
3 shall be provided by the following agencies, but not limited to the:

- 4           (a) Department of the Interior and Local Government;  
5           (b) Department of Agriculture;  
6           (c) Department of Education;  
7           (d) Commission on Higher Education;  
8           (e) Department of Trade and Industry;  
9           (f) Philippine Coconut Authority;  
10          (g) Armed Forces of the Philippines; and the  
11          (h) Philippine National Police.

12           The assistance shall be in the form of, but not limited to, financial,  
13 technical and marketing assistance, provision of seedlings, tools and  
14 equipment, and other services within the ambit of the agencies' respective  
15 field of specialization.

16           SEC. 12. *Designation and Obligations of the Area Manager.* – To  
17 guarantee the successful implementation and close monitoring of the Program,  
18 the provincial governor is hereby designated as the area manager of the  
19 Program in the province. The area manager shall have the following  
20 obligations:

- 21           (a) Ensure the proper inventory of trees;

- 1 (b) Facilitate the issuance of certificates and permits;
- 2 (c) Monitor the implementation of the Program within his area of  
3 responsibility;
- 4 (d) Establish a marketing mechanism that will link the planters to local  
5 and international market; and
- 6 (e) Perform such acts necessary for the effective and successful  
7 implementation of the Program.

8 SEC. 13. *Implementing Rules and Regulations.* – The DENR, in  
9 coordination with the Department of the Interior and Local Government, the  
10 House Special Committee on Reforestation and the Senate’s Committee on  
11 Natural Resources, shall, within six months from the effectivity of this Act,  
12 promulgate the implementing rules and regulations necessary for the effective  
13 implementation of this Act.

14 SEC. 14. *Report to Congress.* – The DENR shall report to Congress at  
15 the end of every year following the approval of this Act, the progress of the  
16 Program and recommend necessary actions for legislation.

17 SEC. 15. *Mandatory Review by Congress.* – After every five years  
18 following the approval of this Act, the Congress of the Philippines is hereby  
19 mandated to conduct a review and assessment of the Program with the aim of  
20 strengthening or improving program implementation. For this purpose, a joint

1 congressional oversight committee shall be created to perform the  
2 aforementioned task.

3           SEC. 16. *Penalties.* – Failure of the grantee to comply with the terms  
4 and conditions stipulated in the TLC or violation of any of the pertinent  
5 forestry laws, rules and regulations shall constitute a ground for the suspension  
6 or cancellation of the rights and privileges under the Program or the reduction  
7 of granted areas, when applicable.

8           Any person, natural or juridical, found guilty of violating any provision  
9 of this Act or the rules and regulations issued by the DENR, shall, after due  
10 process and upon conviction, be fined in the amount of not less than Five  
11 thousand pesos (Php5,000.00) but not more than One hundred thousand pesos  
12 (Php100,000.00), be sentenced to imprisonment of not less than one month but  
13 not more than one year, or be compelled to render community service of one  
14 month to six months, or a combination of the three at the discretion of the  
15 court: *Provided*, That, if the area requires rehabilitation or restoration as  
16 determined by the court, the offender shall be required to restore or  
17 compensate for the restoration of the damage. If the offender is an  
18 organization, association or corporation, the president or the manager and the  
19 officer who has direct knowledge of the offense shall be held liable under this  
20 Act.

1           SEC. 17. *Separability Clause.* – Should any provision of this Act be  
2 declared unconstitutional, the validity or legality of the other provisions shall  
3 not be affected if the latter can stand independently of the declared  
4 unconstitutional provision.

5           SEC. 18. *Repealing Clause.* – All laws, presidential decrees, executive  
6 orders, rules and regulations or parts thereof which are inconsistent with the  
7 provisions of this Act are hereby repealed or modified accordingly.

8           SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after  
9 its complete publication in at least two national newspapers of general  
10 circulation.

Approved,

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