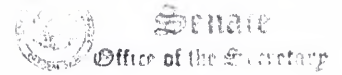
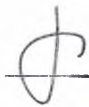


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 18 A9:25

SENATE
S. No. 664

RECEIVED BY: 

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

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

EXPLANATORY NOTE

Article XII, Section 4 of the 1987 Constitution provides that, "The Congress shall, as soon as possible, determine by law, the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. The Congress shall provide, for such period as it may determine, measures to prohibit logging in endangered forests and watershed areas."

This Constitutional mandate must be immediately fulfilled by Congress considering, on one hand, the importance of forest lands not only to our economy but more importantly to our environment, health, culture and heritage; and on the other hand, the continuous threats of deforestation and forest degradation.

According to the "Global Forest Resources Assessment 2020" Report on the Philippines by the Food and Agriculture Organization of the United Nations, "Based on the 2015 land cover data, the total forest cover of the Philippines is 7,014,156 hectares or 23.4% of the country's total area of 30,000,000 hectares. This means that the total

forest cover of the Philippines has increased by 174,438 hectares from 6,839,718 hectares in 2010 to 7,014,156 hectares in 2015.”

On the other hand, a research paper entitled, “Forest Protection in the Philippines: Policy Evolution and Sector Outcomes” published by the Philippine Institute for Development Studies, revealed that “illegal logging played a key role in the process of deforestation and degradation, the impacts of which were carried over to other sectors, such as agriculture and fisheries, through siltation. Despite these observations, certain LGUs deferred shutting down illegal logging activities due to the communities’ allegedly heavy reliance on timber revenues.” It further stated that the six (6) general causes of such forest disturbances are “fire, kaingin/illegal entry, illegal cutting, honey collection, long dry spell, and others. Fire was an umbrella term for incendiarism, hunting, throwing of cigarettes, forest fire, and grass fire.”

The “*Forest Land Limit Act*” seeks to provide for the delineation of the specific forest limits of the public domain to conserve, protect and develop the forest resources of the country. It provides for guidelines and procedures in determining the specific limits of forest lands and establishes a National Review and Evaluation Committee to be chaired by the Secretary of the Department of Environment and Natural Resources (DENR) which is tasked to process, evaluate and approve all completed assessment and delineation reports.

In the process, the rights of indigenous cultural communities, indigenous peoples and tenured migrant communities consistent with existing laws will be respected. The forest line that will be determined and established by the DENR pursuant to the proposed law will be adopted as the final forest land boundary of the country.

In view of the foregoing, the swift passage of this measure is earnestly sought.


JINGGOY EJERCITO ESTRADA

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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 Land Limits Act*".
- 2 Sec. 2. *Declaration of Policy.* – It is the policy of the State to conserve, protect
- 3 and develop the forest resources of the country in order to attain ecological balance,
- 4 preserve valuable ecosystems, prevent environmental degradation and promote
- 5 sustainable development for the present and future generations. To achieve these
- 6 ends, Section 4 of Article XII of the Constitution mandates Congress to determine by
- 7 law the specific forest lands and national parks, marking clearly their boundaries on
- 8 the ground.
- 9 Sec. 3. *Definition of Terms.* – As used in this Act:
- 10 a) *Agricultural lands* – 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 forestry purposes;
- 13 b) *Delimitation* – refers to the establishment of permanent boundary
- 14 monuments of forest land through land survey in accordance with existing
- 15 standards and practices;
- 16 c) *Delineation* – refers to the conduct of site investigation, field reconnaissance
- 17 and assessment, and staking of boundaries among forest lands, national

1 parks and agricultural lands verified in the field in accordance with the
2 criteria set forth under Department of Environment and Natural Resources
3 (DENR) Administrative Order No. 2008-24;

4 d) *Forest* – refers to a land with an area of more than half (0.5) hectare and
5 with tree crown cover or equivalent stocking level of more than ten percent
6 (10%). The trees should be able to reach a minimum height of five (5)
7 meters at maturity *in situ*. It consists of either closed forest formations,
8 where trees of various stories and undergrowth cover more than forty
9 percent (40%) of the ground, or open formations where continuous
10 vegetation cover more than ten (10%) but less than forty percent (40%) of
11 the ground. Young natural stands and all plantations established for forest
12 purposes are included in this definition.

13 e) *Forest reservations* – refers to forest lands which have been reserved by the
14 President of the Philippines for any specific purpose or purposes;

15 f) *Production forest lands* – refer to forest lands available for timber and
16 agroforestry production, range lands for grazing and other forest land
17 special uses;

18 g) *Protected Area* – refers to identified portions of land or water that are set
19 aside by reason of their unique physical and biological significance, and are
20 managed to enhance biological diversity and protected against destructive
21 human exploitation;

22 h) *Protection forest lands* – refer to all areas within the forest lands devoted
23 primarily for the protection and conservation of forest resources to ensure
24 environmental stability, conservation of biological diversity, improvement of
25 ecosystem functions and services, and provision of ecological and economic
26 benefits. All mossy and primary or old growth forest and natural beach, key
27 biodiversity areas, areas regardless of slope and vegetation cover which are
28 highly erodible or too rocky for establishment of production forests,
29 developed for the principal objective of establishing vegetative cover to
30 prevent erosion, conserve water and nurture wildlife, peat swamps,
31 freshwater swamps, and marshes, existing natural mangroves, all areas
32 along the bank of the rivers and streams, and the shores of the seas and

1 lakes throughout their entire length and within the zone of three (3) meters
2 in urban areas, twenty (20) meters in agricultural areas, and forty (40)
3 meters in forest areas, along their margins which are subject to the
4 easement of public use in the interest of recreation, settlements, navigation,
5 floatage, fishing and salvage, shall also be subclassified as protection forest
6 lands. All extractive activities, including cutting of trees and mining, are
7 banned in these protection forest lands: Provided, That the provisions of
8 Republic Act No. 8371, or the "Indigenous People's Rights Act of 1997" and
9 Republic Act No. 7586, or the "National Integrated Protected Areas System
10 of 1992", as amended by Republic Act No. 11038, or the "Expanded National
11 Integrated Protected System Act of 2018," shall be respected.

- 12 i) *Tenured migrant communities* – refer to communities within forest lands
13 which have actually and continuously occupied such areas for five (5) years
14 before the designation of the same as forest lands in accordance with this
15 Act, and are solely dependent therein for subsistence.

16 Sec. 4. *Forest Lands.* – The following shall constitute the forest lands:

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

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

- 28 a) The previously-established land classification (LC) survey lines per province
29 with their respective technical descriptions (TDs) and maps shall be the
30 basic data and information that will be used as reference material in
31 undertaking the validation, assessment and delineation process.

1 b) All completed assessment and delineation reports for a given province shall
2 be endorsed to the National Review and Evaluation Committee created
3 under Section 6 hereof for final approval.

4 c) The same process shall be followed for other provinces with ongoing
5 assessments and delineation activities until such time that all the boundaries
6 of forest lands of the whole country shall have been delimited: Provided,
7 That all assessments, validations and delineations shall be completed not
8 later than one (1) year after the passage of this Act.

9 *Sec. 6. National Review and Evaluation Committee.* – Pursuant to the
10 Constitutional mandate embodied in Section 4, Article XII thereof, and in view of the
11 urgent need to establish the permanent limits of the forest lands of the country, a
12 National Review and Evaluation Committee, hereinafter referred to as the Committee,
13 is hereby created to process, evaluate and approve all completed assessment and
14 delineation reports referred to in the immediately preceding section. The Committee,
15 in its evaluation and approval of the said reports, shall adhere strictly to existing
16 established laws, policies, rules, regulations and guidelines pertinent thereto.

17 The Committee shall be composed of the following:

- 18 a) Secretary of the DENR as Chairperson;
19 b) Secretary of the National Economic and Development Authority (NEDA) as
20 Vice-Chairperson;
21 c) Secretary of the Department of the Interior and Local Government (DILG)
22 as Member;
23 d) Secretary of the Department of Agriculture (DA) as Member;
24 e) Secretary of the Department of Agrarian Reform (DAR) as Member;
25 f) Chairperson of the National Commission on Indigenous Peoples (NCIP) as
26 Member; and
27 g) Secretary of the Department of Human Settlements and Urban Development
28 (DHSUD) as Member.

29 The assessment and delineation reports as approved by the Committee shall
30 be adopted as constituting the final boundaries of forest lands covered by the reports.
31 The Committee shall submit to Congress the approved assessment and delineation
32 reports for each province which shall thereafter form part of its official records.

1 Sec. 7. *Demarcation and Delimitation of Final Forest Land Boundary.* –
2 Immediately after the passage of this Act, the final forest line determined and
3 established by the DENR shall be adopted as the final forest land boundary of the
4 country and all monuments established shall be deemed permanent. Maps of the final
5 forest land boundary prepared by the DENR shall be attached as an integral part of
6 this Act as reference.

7 Sec. 8. *Permanency of the Specific Forest Lands Limits.* – The permanent forest
8 lands established pursuant to this Act shall not be diminished nor reduced except by
9 an Act of Congress. The DENR, in coordination with all agencies and branches of
10 government, shall see to it that the forest cover and vegetation therein shall be
11 protected, preserved and enhanced.

12 Sec. 9. *Sub-classification of the Permanent Forest Lands.* – The DENR shall
13 undertake the sub-classification of permanent forest lands into protection forests and
14 production forests.

15 Sec. 10. *Recognition of the Rights of the Indigenous Cultural*
16 *Communities/Indigenous Peoples and Tenured Migrant Communities.* – In the ground
17 delineation of the permanent forest limits, the occupation by indigenous cultural
18 communities/indigenous peoples and tenured migrants shall be recognized and
19 respected consistent with the provisions of Republic Act No. 7160 or the "Local
20 Government Code of 1991," Republic Act No. 8371 or the "Indigenous Peoples Rights
21 Act (IPRA) of 1997," and Presidential Decree No. 705, as amended, or the "Forestry
22 Code of the Philippines."

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

27 Sec. 12. *Land Classification Conflict Adjudication Board.* – A Land Classification
28 Conflict Adjudication Board, hereinafter referred to as the Board, is hereby created to
29 resolve controversies arising from land classification as a result of the delimitation of
30 forest lands pursuant to this Act. The Board shall be composed the following:

- 31 a) Secretary of the Department of Justice (DOJ) as Chairperson;
- 32 b) Administrator of the Land Registration Authority (LRA) as Member;

- 1 c) Representative from the Integrated Bar of the Philippines (IBP) as Member;
- 2 d) Representative from a reputable College of Forestry as Member; and
- 3 e) Representative from the private sector as Member.

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

- 6 a) Adjudicate cases on land conflicts and adverse claim before it for resolution;
- 7 b) Summon witnesses, administer oaths, take testimony and require
8 submission of reports;
- 9 c) Compel production of books and documents and answers to interrogatories;
10 and
- 11 d) Issue subpoena *duces tecum*, writs of possession, writs of execution and
12 other writs to enforce its order and decisions.

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

18 A petition for review on *certiorari* may be filed by the aggrieved party with the
19 Supreme Court within thirty (30) days from receipt of the order or decision of the
20 Board.

21 Sec. 14. *Monitoring, Evaluation and Reporting System.* – To attain the
22 objectives of this Act, a field monitoring, evaluation and reporting system shall be
23 adopted by the Secretary of the DENR to afford up-to-date information on the state
24 of the country's forest lands after their delineation and ensure that these lands are
25 protected and conserved.

26 Sec. 15. *Appropriations.* – The Secretary of the DENR shall include in the
27 Department's program the implementation of this Act, the initial funding of which shall
28 be charged against the current year's appropriations of the Department and thereafter
29 shall be included in the annual General Appropriations Act.

30 Funds for the implementation of the provisions of this Act shall be
31 supplemented from any available official development assistance (ODA) and from joint
32 projects between agencies of the Philippines and an assisting country. Local

1 government units shall also allocate counterpart funds to be taken from their national
2 tax allotment (NTA) and other LGU income for the delineation of the forest limits within
3 their respective territorial jurisdictions.

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

7 Sec. 17. *Separability Clause.* – If any provision or part hereof is held invalid or
8 unconstitutional, the remainder of the law or the provision or part not otherwise
9 affected shall remain valid and subsisting.

10 Sec. 18. *Repealing Clause.* – Any law, presidential decree or issuance, executive
11 order, letter of instruction, administrative order, rule, or regulation contrary to or
12 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
13 accordingly.

14 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its
15 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,