

SENATE

SENATE BILL NO. 3326



(In substitution of SBN 1367 and 2994, taking into consideration HBN 5860)

Prepared jointly by the Committees on Environment and Natural Resources; Local Government; and Finance with Senators Legarda, Recto, Escudero, Marcos Jr., and Dilon as authors

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 and cited as the "*Forest Limits Act of*
2 *2012*".

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, Section 4, Article XII
7 of the 1987 Constitution mandates Congress to determine by law the specific limits of forest
8 lands and national parks marking clearly their boundaries on the ground.

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

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

13 (b) *Delimitation survey* refers to the establishment of land classification boundaries,
14 and the monumenting thereof following ground survey;

1 (c) *Delineation* refers to the conduct of site investigation, field reconnaissance and
2 assessment, and staking of boundaries between forest lands, national parks and agricultural
3 lands verified in the field in accordance with the criteria set forth under Department of
4 Environment and Natural Resources Administrative Order No. 2008-24;

5 (d) *Forest lands* refer to all lands of the public domain already classified as forest land
6 as per existing land classification maps issued by the Department of Environment and Natural
7 Resources (DENR) including all permanent forest reserves proclaimed as such by the President
8 or declared by law, and such areas within the unclassified lands of the public domain that were
9 assessed and delineated by the DENR in accordance with pertinent laws, rules and regulations;

10 (e) *Production forest* refers to a forest area designated primarily for production of
11 wood, fibre, bio-energy and/or non-wood forest products;

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

15 (g) *Protection forest* refers to a forest whose value lies in the regulating of stream flow
16 and the preventing of erosion and avalanches rather than in its timber; and

17 (h) *Tenured migrant* refers to forest occupants who have actually and continuously
18 occupied a portion of the forest and is solely dependent therein for subsistence. A forest
19 occupant is understood to be "solely dependent for subsistence" when everything indispensable
20 for survival for the household, including food, clothing, shelter and health, comes only from the
21 utilization of resources from the forest.

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

24 (a) all lands of the public domain already classified as forestland as per existing land
25 classification maps issued by the DENR;

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

1 (c) such areas within the unclassified lands of the public domain that were assessed
2 and delineated by the DENR in accordance with pertinent laws, rules and regulations and which
3 may hereafter be classified as forest land by the DENR.

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

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

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

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

18 **SEC. 6. Creation of the National Review and Evaluation Committee.** – In recognition of the
19 Constitutional mandate as embodied in Section 4, Article XII thereof, and in view of the urgent
20 need to establish the permanent limits of the forest lands of the country, a National Review and
21 Evaluation Committee is hereby created to process, evaluate and approve all completed
22 assessment and delineation reports referred to in the immediately preceding section. The
23 Committee, in its evaluation and approval of the said reports, shall adhere strictly to existing
24 established laws, policies, rules, regulations and guidelines pertinent thereto.

25 The Committee shall be composed of the following:

26 (a) Secretary of the DENR as Chairman;

- 1 (b) Secretary of the Socioeconomic Planning and Director-General of the National
2 Economic and Development Authority (NEDA) as Vice-Chairman;
- 3 (c) Secretary of the Department of Interior and Local Government (DILG) as Member;
- 4 (d) Secretary of the Department of Agriculture (DA) as Member;
- 5 (e) Secretary of the Department of Agrarian Reform (DAR) as Member;
- 6 (f) Chairman of the Housing and Urban Development Coordinating Council (HUDCC)
7 as Member;
- 8 (g) Chairman of the National Commission on Indigenous Peoples (NCIP) as Member;
- 9 and
- 10 (h) President of the League of Provinces of the Philippines as Member.

11 Upon approval of the assessment and delineation reports as herein specified, the
12 Committee shall submit the same to Congress which shall thereafter form part of its official
13 records. The assessment and delineation reports as approved by the Committee shall be
14 adopted as constituting the final boundaries of the forest lands covered by the said report.

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

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

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

25 After due consultation with the local government units (LGUs), concerned communities,
26 and other stakeholders, the DENR shall undertake the sub-classification of the permanent forest
27 lands.

1 **SEC. 10. *Recognition of the Rights of the Indigenous Cultural Communities/Indigenous***
2 *Peoples and Tenured Migrant Communities.* – In the ground delineation of the permanent forest
3 limits, the occupation by indigenous cultural communities/indigenous peoples and tenured
4 migrants shall be recognized and respected consistent with the provisions of Republic Act No.
5 7160 or the Local Government Code of 1991, Republic Act No. 8371 or the Indigenous Peoples
6 Rights Act (IPRA) of 1997, and Presidential Decree No. 705, as amended, or the Forestry Code of
7 1975.

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

11 **SEC. 12. *Implementing Rules and Regulations.*** – Within three (3) months from the
12 effectivity of this Act, the Secretary of the DENR shall issue the corresponding Implementing
13 Rules and Regulations for the effective implementation of this Act.

14 **SEC. 13. *Monitoring, Evaluation, and Reporting System.*** – To attain the objectives of this
15 Act, a field monitoring, evaluation and reporting system shall be adopted by the Secretary of the
16 DENR to regularly keep track of the state of the country's forest lands after their delimitation.
17 Toward this end, at the opening of each session of Congress, the DENR shall submit a report to
18 the President on the status of the forest lands for transmission to Congress.

19 **SEC. 14. *Creation of the Adjudication Board to Resolve Controversies on Land***
20 *Classification Conflicts.* – A Land Classification Conflict Adjudication Board, herein referred to as
21 the Board, is hereby created to resolve controversies arising from land classification as a result
22 of the delimitation of forest lands pursuant to this Act. The Board shall be composed of the
23 following:

- 24 (a) Secretary of the Department of Justice (DOJ) as Chairman;
25 (b) Administrator of the Land Registration Authority (LRA) as Member;
26 (c) Representative from the Integrated Bar of the Philippines (IBP) as Member;
27 (d) Representative from a reputable College of Forestry as Member; and

1 (e) Representative from the private sector as Member.

2 **SEC. 15. Powers and Functions of the Adjudication Board.** - The Board shall have the
3 following powers and functions:

4 (1) Adjudicate cases on land conflicts and adverse claim before it for resolution;

5 (2) Summon witnesses, administer oaths, take testimony and require submission of
6 reports;

7 (3) Compel production of books and documents and answers to interrogatories; and

8 (4) Issue *subpoena duces tecum*, writs of possession, writs of execution and other writs
9 to enforce its orders and decisions.

10 In any proceeding before the Board, the Rules of Evidence prevailing in courts of law or
11 equity shall not be controlling and it is the spirit and intention of this Act that shall govern. The
12 Board shall use every and all reasonable means to ascertain the facts in each case speedily and
13 objectively and without regard to technicalities of law or procedure, all in the interest of due
14 process. In any proceeding before the Board, the parties may be represented by legal counsel.
15 The findings of fact of the Board shall be conclusive and binding on the parties and its decision
16 or order shall be final and executory.

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

20 **SEC. 16. Appropriations.** - The Secretary of the DENR shall include in the Department
21 program the implementation of this Act, the initial funding of which shall be charged against the
22 current year's appropriations of the Department and thereafter included in the annual General
23 Appropriations Act.

24 Funds for the implementation of the provisions of this Act shall be supplemented also
25 from any available official development assistance (ODA) and from joint projects between
26 agencies of the Philippines and an assisting country.

1 Local government units may also allocate counterpart funds to be taken from their
2 internal revenue allotment (IRA) and other LGU income for the delineation of the forest limits
3 within their respective territorial jurisdictions.

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

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

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

Approved,