

RE : REPORT ON THE DECEMBER 10, 2004 JOINT PUBLIC HEARING OF THE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES; CONSTITUTIONAL AMENDMENTS, REVISION OF CODES AND LAWS; WAYS AND MEANS; FINANCE; AND CULTURAL COMMUNITIES

May we respectfully submit the attached Journal of the joint public hearing conducted by the Committees on Environment and Natural Resources; Constitutional Amendments, Revision of Codes and Laws; Ways and Means; Finance; and Cultural Communities on Friday, December 10, 2004, 1:55 p.m., at the Senator Ambrosio S. Padilla Room, 2nd Floor, Senate of the Philippines, GSIS Bldg., Roxas Blvd., Pasay City.

The hearing deliberated the following Senate bills:

1. **S. No. 216**, entitled "AN ACT PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF FOREST RESOURCES AND FOR OTHER PURPOSES" (*Introduced by Sen. Osmeña III*)
2. **S. Nos. 289**, entitled "AN ACT DEFINING THE OFFENSE OF ILLEGAL LOGGING IN WATERSHEDS AND OTHER PROTECTED AREAS , AND PROVIDING PENALTIES THEREFOR" (*Introduced by Sen. Osmeña III*)
3. **S. No. 1050**, entitled "AN ACT PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF FOREST RESOURCES AND FOR OTHER PURPOSES" (*Introduced by Jinggoy Ejercito-Estrada*)
4. **S. No. 1150** entitled "AN ACT TOTALLY BANNING LOGGING OPERATIONS FOR THE NEXT TWENTY-FIVE YEARS" (*Introduced by Sen. Pimentel, Jr..*)
5. **S. No. 1373**, entitled "AN ACT PROVIDING FOR A SYSTEM OF DISPOSITION OF SEIZED/CONFISCATED ILLEGALLY CUT, GATHERED, REMOVED, AND POSSESSED LOGS, LUMBER, FLITCHES AND OTHER FOREST PRODUCTS AND FOR OTHER PURPOSES" (*Introduced by Sen. Recto*)
6. **S. No. 1870**, entitled "AN ACT TO ESTABLISH A BAN ON ALL LOGGING OPERATIONS IN THE COUNTRY TO ENSURE THE PROTECTION, PRESERVATION AND REHABILITATION OF THE PHILIPPINE'S ENVIRONMENT, PROVIDING FOR CITIZEN'S RIGHTS AND THE APPROPRIATE PENALTIES FOR VIOLATIONS OF THIS ACT" (*Introduced by Senators Madrigal and Lim*)
7. **P.S. Resolution No. 135**, entitled "A RESOLUTION DIRECTING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO INVESTIGATE, IN AID OF LEGISLATION, THE RAMPANT CUTTING OF FOREST TREES WHICH RESULTED TO FLASH FLOODS IN THE PROVINCES OF NUEVA ECIJA, AURORA AND QUEZON AS WELL AS SOME PARTS OF THE BICOL REGION" (*Introduced by Sen. Cayetano*)
8. **P.S. Resolution No. 138**, entitled "RESOLUTION DIRECTING THE SENATE COMMITTEE ON CULTURAL COMMUNITIES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE RECENT TRAGEDY THAT BEFELL THE INDIGENOUS PEOPLE AND CULTURAL COMMUNITIES OF THE MUNICIPALITIES OF DINGALAN, GABALDON AND INFANTA OF THE PROVINCES OF AUROR, NUEVA ECIJA AND QUEZON, RESPECTIVELY" (*Introduced by Senators Madrigal, Lim, Ejercito-Estrada J. and Ejercito-Estrada L.*)

9. **Privilege Speech Of Senator M.A. Madrigal, delivered On 07 December 2004**, entitled "A JUGGERNAUT OF DESPOLIATION"
10. **Privilege Speech Of Senator Ramon "Bong" Revilla Jr., delivered On 08 December 2004**, entitled " IN THE EYE OF THE STORM: A SALUTE TO THE FILIPINO SPIRIT"
11. **Privilege Speech Of Senator Alfredo S. Lim, delivered On 08 December 2004**, entitled "THE UNABATED RAPE AND DESTRUCTION OF OUR FORESTS MUST BE STOPPED NOW, LEST NATURE'S WRATH WILL CONTINUE TO HOUND AND PUNISH US FOR OUR TRANSGRESSIONS"

For your Honor's information.

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
Joint with
COMMITTEES ON CONSTITUTIONAL AMENDMENTS, REVISION OF
CODES AND LAWS; WAYS AND MEANS; FINANCE; AND CULTURAL
COMMUNITIES

Senators Present: Senators Cayetano (Chairperson and presiding officer), Biazon, Enrile, and Madrigal.

Guests/Resource Persons: Secretary Michael Defensor, Department of Environment and Natural Resources (DENR); Gen. Victor Corpuz, Head, Anti-Illegal Logging Task Force and National Reforestation Development Corporation, DENR; Undersecretary Ramon Paje, Environment and Forestry, DENR; Assistant Secretary Raymond Mendoza, Legislative Liaison and Administrative Legal Services, DENR; Dir. Julian Amador, Environmental Management Bureau, DENR; Dir. Horacio Ramos, Mines and Geo-Sciences Bureau, DENR; Ms. Neria Andin, Officer in Charge, Forest Management Bureau, DENR; Mr. Luciano Hornilla, Regional Technical Director, EMB IV-A, DENR; Ms. Ester Perez de Tagle, Concerned Citizen Against Pollution.

HIGHLIGHTS

The Chair, in her opening statement, indicated that the hearing was a direct consequence of the events that unfolded and traumatized the country the past two weeks. The objective of the hearing, she added, is to look for long-term solutions to the calamities that befell the nation. She also appealed for objectivity in the manner of raising their points of view in analyzing the situation.

Secretary Defensor proceeded to present DENR's assessment of the events that occurred in Quezon and Aurora and a general picture of the forest situation in the country, to wit:

FLOODING AND LAND SLIDES IN AURORA:

1. Affected Towns - Baler, San Luis and Dingalan
2. Heavily Affected – Brgys. Paltic, Dikapanikian and Davil-davilan, all in Dingalan
3. Extent of damage in Brgys. Paltic, Dikapanikian and Davil-davilan:
 - 184 houses destroyed
 - 480 families displaced
 - 29 reported dead
 - Victims were all residing along small rivers of Paltic, Dikapanikian and Davil-davilan
4. Rainfall Event in Brgys. Paltic, Dikapanikian and Davil-davilan (based on Gabaldon, Nueva Ecija Pag-asa Gauging Station):
 - Rainfall on November 22, 2004 - 127 mm Average
 - Rainfall on November 1 to 21, 2004 – 14.7 mm
 - Five year average rainfall for November (1999 to 2003) – 58.22 mm or 1.92 mm daily
5. Geologic Fault:
 - The estimated area of the landslide is around 18 hectares
 - Using the most recent timber inventory data in the adjacent municipality of San Luis, a total of 2,610 trees of different species and sizes with a total

volume of 2,700 c.m. flowed down in Brgy. Paltic together with the rocks and boulders and the approximate value of the uprooted trees is P 4.05 M

- Brgys. Paltic and Davil-davilan
 - Adjacent to Dingalan thick forest reserve – 1,788 hectares
 - Two Integrated Social Forestry Projects (86 families), indicating community participation in forest development and protection
 - What happened in the three barangays of Dingalan was a confluence of the heavy rainfall and the geologic characteristics of the area, which is very vulnerable to landslides
- A. Brgy. Paltic area where landslides occurred:
- Located in an active Philippine Fault Line
 - Area is unstable because of fractured rock formation
 - Site of ancient landslides (hundreds of years ago)
 - Debris (land) slides came from an area with a width of 100 m, length of 1,800 m and a depth of 1.2 m
 - Slide source was thickly forested explaining the numerous uprooted and washed down trees
- B. Brgys. Paltic and Davil-davilan:
- Over time, debris of loose materials filled up ancient site of landslide, explaining relative ease of being washed out
 - 216,000 cu. m. of debris fell into Brgy. Paltic, equivalent to 21,600 ten-wheeler dump truck
 - Two major landslides and five erosion areas in the upstream of Paltic River remains a threat to Brgy. Paltic in case of heavy rains
 - Several landslide areas in the upstream of Langawan River draining into Brgy. Davil-davilan is also a major threat in case of heavy rains

On the statements made by Secretary Defensor that the huge amount of rain caused the flash floods, the Chair clarified whether illegal logging contributed to the tragedy that occurred. She also inquired whether total log ban or selective log ban should be imposed. Furthermore, she suggested that P.D. 705 should be reviewed and a list of converted land from inalienable to alienable be submitted. She also requested for a list of those people who are now facing charges and those already jailed for violations of environmental laws.

Senator Enrile on the other hand was firm in his suggestion to file charges against a certain Mr. Frank Chua and Mr. Ong and jail them for illegal logging. He requested the Secretary to furnish the body with records of flash floods from the early 70's and 80's, a list of IFMA holders and the amount of taxes paid. Lastly, he requested to check the lands classified as "forests" if they are really lands covered with trees and not just pasture lands.

Senator Biazon for his part requested a list of titled land which are forested and list of titled private plantation. He inquired about trees being cut and turned into firewood and the plan on reforestation. He also asked about the policy or instruction that the President ordered to be implemented, whether it is total log ban or selective log ban. He further stated that the Secretary need not answer his questions since there is a need to study them.

Senator Madrigal stated that there is a need for renewable wood to be planted, like the *Falcata*. She likewise cited the Quezon City case as a demonstration of the Department's weakness in implementing environmental laws. She urged the DENR to show political will with its mandate in protecting the environment. In response, Secretary

Defensor said that he will do his best to help the senator in her crusade for the environment.

Gen. Corpuz presented his reforestation program entitled “Puno ng Buhay: Property Rights-Based Forest Management & Anti-Disaster Strategy”, to wit:

1. Philippine Forest Cover:

- 1521: 90% of country or 27 million hectares out of 30 million hectares
- 1900: 70% or 21 million hectares
- 1960: 40% or 12 million hectares
- 1997: 17% or about 5 million hectares of which 800,000 hectares are virgin or old growth

2. Demographic Statistics On Upland Dwellers:

- More than 20 million Filipinos in the upland
- Almost one-half totally dependent on forest resources
- Household income of 15,000 – 20,000 peso per year
- Population Growth of 2.8% versus national average of 2.3%

3. Causes Of Forest Destruction:

- Illegal and indiscriminate logging practices
- Kaingin farming
- Weak law enforcement
- Failed rehabilitation efforts

4. Green Panay Experience:

- Family-based and self-reliant
- Nursery in every sitio/barangay
- “Fruits of the land” rights to families
- Killing Kaingin through Kaingin

5. Lessons Learned:

- Government lacks manpower and financial resources for protection
- Forest “protectors” collude with “exploiters”
- Current programs like Community Based Forest Management did not provide tenurial instruments to families
- Family-based projects like Green Panay work

REFORESTATION PROGRAM:

1. Reforestation:

- 8.4 million hectares = denuded forest
- P 43,000/ hectares = current cost
- P 361.2 billion = total cost of reforestation with traditional methods
- Need for non-traditional approach = family-based; property rights; self-reliance

2. Funding Strategy:

Immediate:

- Sale of confiscated forest & mineral products
- Government shares from Diwalwal mines/others
- P 100 Million initial PFC capital

Continuing and long term:

- More share from Diwalwal mines/others
- Water users fee
- Securitization – forest futures
- Carbon fund
- Foreign/domestic grants
- Private sector partnership

3. Implementation Steps:

- Organize PFC
- Launch contest per region and per province (thru REDs & PENROs)
- Start seedling production by January 2005
- Plant during rainy season

4. Program Benefits:

- Economic sustainability
 - food security
 - forest production can last forever
 - million jobs and increased income of upland families
- Environment sustainability
 - 90% forest cover all the time
 - enhanced biodiversity
- Peace and security
 - eliminates poverty which is the main cause of insurgency

The Chair stated that a lot of DENR Department orders and issuances have circumvented the law and that these should have been taken away from the legal system. She also inquired on what to do with the logs seized by the government.

Senator Enrile inquired into the situation of forested areas and the trees planted thereon. Furthermore, he asked on the kind of trees that are to be planted in the reforestation project. Lastly, he inquired into the cost in planting trees and the amount to be spent in its maintenance. Gen. Corpuz answered that with his program, the government can save millions of pesos.

Senator Madrigal commended the Chair for being swift in conducting the hearing but requested that the topic should be specific and not general. She also pointed out that with the reversal of the Mining Act, there would be a slaughter of the forest again. She mentioned for the record that in the past 20 years, two billion pesos or dollars have been spent for reforestation and inquired where the money went.

Ms. Tagle an NGO representative stated that there should be a delineation of the forest and experts are needed to do the job. She also indicated that water should be conserved in order to avoid importing water in the future. Furthermore, she emphasized that there is a need to promote the growth of trees including indigenous trees.

The hearing was adjourned at 5:11 p.m.