

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

'04 JUN 30 P3:41

RECEIVED BY: 

S E N A T E

S. No 285

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The rate of deforestation in the Philippines has reached an alarming level. Of the total land area of 30 million hectares, the forest cover is now estimated at just a little over 19 percent.

The local level is where deforestation has had and will have the most immediate effect. With forest loss, the local community loses the system that performed valuable but unnoticed services like ensuring the regular flow of clean water and protecting the community from flood and drought. The forest acts as a sort of sponge, soaking up the tremendous amounts of rainfall brought by tropical downpours, and releasing water at regular intervals. This regulating feature of tropical rainforests prevents destructive flood and drought cycles. However, when forest cover is lost, runoff rapidly flows into streams, elevating river levels and subjecting downstream villages, cities, and agricultural fields to sudden and severe flooding especially during the rainy season. During the dry season, such areas downstream of deforestation are prone to months-long droughts which interrupt river navigation, wreak havoc on crops, and disrupt industrial operations.

This bill aims to enlist the participation of different sectors of society in the task of restoring the grandeur of our forest lands. Various national government agencies, the upland, lowland, and coastal communities, local government units, civic and non-government organizations, schools, colleges and universities are in partnership to plant forest and fruit tree species in open and denuded public forest lands, private lands, and idle portions of alienable and disposable (A&D) lands.

Groups and individuals who participate in this program are given benefits and incentives. For instance, holders of Community-based Forest Management Agreement (CBFMA) shall have the right to make the reforested and protected area as an eco-tourism spot. They may collect entrance fees and put up income-generating auxiliary services for the maintenance and conservation of the area. They are also exempted from forest charges and real property tax. Moreover, those who planted and maintained the trees along highways, roadsides, and other vacant portions of public A&D land shall have the exclusive right to harvest and utilize the trees when these mature.

Finally, this bill makes it illegal for any person who is not a member of the community or cooperative who planted the trees to cut or gather trees from reforested areas. It will also prohibit illegal occupancy of any portion of the mini-forest reserve.

The urgent need for the enactment of this measure cannot be overemphasized. The economic and environmental costs of deforestation are staggering.

In view of the foregoing, approval of this bill is earnestly requested.



SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
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AN ACT
TO SPUR THE PLANTING OF A BILLION TREES THROUGH
COMPLEMENTARY TREE PLANTING PROGRAMS OF THE DEPARTMENT
OF ENVIRONMENT AND NATURAL RESOURCES AND VARIOUS
GOVERNMENT AGENCIES, LOCAL GOVERNMENT UNITS, COMMUNITIES,
SCHOOLS AND UNIVERSITIES, AND CIVIC AND NONGOVERNMENTAL
ORGANIZATIONS, ESTABLISHING MINI-FOREST RESERVES IN CITIES,
MUNICIPALITIES AND SUBDIVISION PROJECTS, PROMOTING FOREST
PLANTATIONS, AND PROTECTING THE REMAINING NATURAL FORESTS,
CREATING A FUNF THEREFOR 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 “**Billion**
2 **Trees Act of 2004**”

3 SEC. 2. **Declaration of Policy.** – The State shall protect and advance
4 the right of the people to a balanced and healthful ecology in accord with the
5 rhythm and harmony of nature. The protection and rehabilitation of forestlands
6 shall be given the highest priority to ensure environmental stability of the nation.

7 The State shall adopt and implement a sustainable forest development
8 and management program. It shall promote the participation of all sectors of
9 society, particularly national government agencies, the upland, lowland, and
10 coastal communities, local government units (LGUs), non government
11 organizations (NGOs), schools, colleges and universities, private landowners and
12 corporations, indigenous peoples in replanting denuded forest land and idle
13 alienable and disposable (A&D) land.

1 The State shall likewise promote community-based forest management.

2 SEC. 3. **Objectives.** – The Billion Trees Program, hereinafter referred to
3 as the Program, aims to improve the country’s ecology and forest regeneration
4 capacity. More specifically, it intends:

5 (a) To make forest and fruit tree seedlings available and more accessible
6 to all cities and municipalities in the country;

7 (b) To significantly increase reforestation efforts in upland, lowland and
8 coastal communities in a more efficient manner;

9 (c) To reverse the deteriorating effects of soil erosion, flash flooding,
10 siltation of rivers and dams, drought and other negative consequences through
11 rehabilitation of degraded watershed areas;

12 (d) To help rehabilitate wildlife habitat through effective forest protection
13 strategy;

14 (e) To promote forest diversity by planting endemic species such as
15 dipterocarps, pine, mangroves, etc. in portions of the plantation whenever
16 feasible;

17 (f) To ensure adequate supply of forest and agricultural products in the
18 future; and

19 (g) To generate employment opportunities and provide additional income
20 to the countryside and rural communities.

21 SEC. 4. **Coverage.** – At least one million (1,000,000) hectares of open
22 and denuded public forest lands, private lands, and idle portions of alienable and
23 disposable (A&D) lands are targeted for the first (5) years to be planted to both
24 forest and fruit tree species after which the remaining areas shall be planted in
25 the succeeding years.

26 SEC. 5 **Definition of Terms.** – As used in this Act, the following terms
27 shall mean:

28 (a) “Alienable and Disposable (A & D) Lands” refers to lands of the
29 public domain which have been delimited, classified and declared as such, and

1 available for disposition under the provisions of Commonwealth Act No. 141, as
2 amended, otherwise known as the Public Land Act.

3 (b) "Community" refers to a group of people who may or may not share
4 common interests, needs, visions, goals and beliefs, occupying a particular
5 territory inside or adjacent to a forest land or national park.

6 (c) "Community-based Forest Management Agreement (CBFMA)"
7 refers to an agreement between the Department of Environment and Natural
8 Resources (DENRO and an organized community for the management by the
9 said community of a specified area in the public domain according to a
10 comprehensive management and development plan and, in consideration
11 therefore and certain other obligations, grants said community the right to
12 harvest, process, sell or otherwise utilize the trees and other products grown by
13 them or from the residual forest within their specified area. The term of the
14 agreement shall be for twenty-five (25) years, renewable for another twenty-five
15 (25) years.

16 All references to "Forest Land Management Agreement (FLMA)" are
17 hereby amended to mean "Community-Based Forest Management Agreement
18 (CBFMA)"

19 (d) "Critical watershed" refers to the portion of a watershed reservation
20 which has been classified as a strict protection zone pursuant to Republic Act
21 No. 7586 or the National Integrated Protected Areas System (NIPAS) Act and its
22 implementing rules and regulations.

23 (e) "Eco- tourism spot" refers to a plantation site developed for biodiversity
24 conservation, cultural and human enjoyment such as a forest park, bird and
25 some wild life sanctuary, and where sound tourism activities are implemented,
26 yielding socio-economic benefits. The developer can put up auxiliary services,
27 collect appropriate fees, for his/her income and for the maintenance of the area.

28 (f) "Forest charges" refer to the levy imposed and collected by the
29 government on timber and other forest products cut, harvested or gathered from

1 the forestlands and from "Alienable and Disposable" (A&D) lands in accordance
2 with Republic Act No. 7161 (Increasing the Forest Charges on Timber and Other
3 Forest Products).

4 (g) "Forest diversity" refers to the variety and variability of forest
5 species growing in the forestland. In the plantation, at least three (3) different
6 species, including fuelwood species and other species such as banana, bamboo,
7 etc., should be planted every ten (10)- hectares, with the least planted species
8 occupying at least one-fifth (1/5) of the ten (10) hectare area.

9 (h) "Forest lands" refer to those lands of the public domain that have
10 been classified into production forestlands and protection forest. Forest
11 reservation refers to forestlands that have been set aside by the law for a specific
12 purpose or purposes, such as watershed reservation, military or civil reservation.

13 (i) "Fuelwood species" refer to tree species of high calorific value and
14 are suitable for fuelwood or firewood such as, but not limited to ipil-ipil, kakawate,
15 agoho, kamachile, gmelina, acacia, bakauan and neem tree.

16 (j) "Green park" refers to an area, designated on the subdivision plan,
17 of forested land reserved for public use as an ecological refuge. Such green park
18 shall be devoted exclusively to the planting and growing of trees of any kind,
19 flowering or ornamental plants and shrubs, or plants of scenic, aesthetic and
20 ecological values.

21 (k) "Hardwood" refers to heavy, compact and close grained wood,
22 attributed to such trees as narra, mahogany, acacia, tanguile, guiyo and molave.

23 (l) "Indigenous peoples" refer to a tribe or indigenous Filipinos who
24 have continuously lived as communities on communally bounded and defined
25 land since time immemorial and have succeeded in preserving, maintaining and
26 sharing common bonds or languages, customs, traditions and other distinctive
27 cultural traits.

28 (m) "Industrial Forest Plantation Management Agreement (IFPMA)"
29 refers to a contract entered into by and between a qualified person and the

1 government for the former to occupy and possess for a definite period of time in
2 consideration of a specified rental of a specific area of the production forestland
3 in order to establish an industrial forest plantation.

4 (n) "Military reservation" refers to a forestland proclaimed or reserved
5 by the President or by the law for military purposes such as air base, campsite,
6 docks and harbors, training camp, firing range, naval base, target range and
7 wharves.

8 (o) "Mini –forest reserve" refers to lands withdrawn from settlement or
9 occupancy upon which are found either natural vegetation or plantation of forest
10 flora, such as trees most particularly hardwood trees, or both, occupying a
11 definable aggregate area exceeding but not less than one (1) hectare in size with
12 the tree crowns covering at least ten (10) percent of the area, exclusive of
13 seedlings, saplings, bushes and other undercover vegetation.

14 (p) "National park" refers to an area of the public domain essentially
15 natural, wilderness, scenic or historic in character which has been withdrawn
16 from settlement, occupancy, or any form of exploitation except in conformity with
17 an approved management plan and set aside exclusively to conserve the area
18 and preserve the scenery, the natural and historic objects, wild animals and
19 plants therein mainly for the purpose of biodiversity conservation and/or human
20 enjoyment.

21 (q) "People-oriented forestry" refers to a program that grants access
22 and management of forestland to poor upland and coastal dwellers. Aside from
23 CBFMA, this may include Integrated Social Forestry Program (ISFP), Community
24 Forestry Program (CFP), and Ancestral Land Management.

25 (r) "Private lands" refer to lands covered by either administrative or
26 judicial titles such as free patent, homestead and sale patent, and Torrens title
27 obtained under Act No. 496 or the Land Registration Act as amended.

28 (s) "Silviculture" refers to the scientific method of growing forest trees,
29 their management and harvest. This includes such practices as assisted natural

1 regeneration (ANR), timber stand improvement (TSI) and selective cutting
2 method.

3 (t) "Subdivision Project" refers to a tract or parcel of land registered
4 under the Land Registration Act, as amended, partitioned primarily for residential
5 purposes into individual lots, with or without improvements thereon, and offered
6 to the public for sale, in cash or in instalment terms. It shall include all residential,
7 commercial, industrial and recreational areas, as well as open spaces and other
8 community and public areas in the project.

9 SEC. 6. **Implementing Agencies.** – The following departments shall
10 perform major roles:

11 (a) The DENR and its network of provincial/community environment
12 and natural resources offices (PENROs/CENROs) shall be the overall
13 coordinating and monitoring agency of the Program, particularly in the
14 identification, selection and allocation of sites; accessing quality planting
15 materials; planting of the right species in particular areas; prioritization of critical
16 watersheds; application of efficient reforestation technologies; adoption of
17 necessary steps to protect and maintain newly reforested areas, remaining
18 natural forest and national parks; conduct of information and education
19 campaigns (IECs); and issuance of the permit to cut and transport trees from
20 plantations within thirty (30) working days from the date the application is filed.
21 The DENR shall provide data to the LGUs pertaining to the priority reforestation
22 areas under this Act for inclusion in the development plans of concerned LGUs.

23 (b) The Department of the Interior and Local Government (DILG) and
24 LGUs shall mobilize the police and help organize communities and other sectors
25 of society to participate in the Program. It shall create special police units which
26 shall be responsible for the forest protection activities in coordination with the
27 DENR. The LGUs shall ensure close coordination with the DENR to indicate the
28 necessary extension, IEC services, organizing communities, and concerned civil
29 society in the undertaking of various programs and activities.

1 As mandated under the Local Government Code, the LGUs shall be
2 responsible in the distribution of seedlings or planting materials and the
3 establishment and development of nurseries as part of their extension services in
4 their respective constituencies.

5 (c) The Department of National Defense (DND) shall organize a
6 special unit whose main responsibility shall be reforesting denuded portions of
7 military reservations and other areas designated by the DENR and maintaining
8 and protecting forest areas, both natural and plantation. It shall also assign full-
9 time personnel to protect forest areas, in accordance with Section 25 hereof.

10 (d) The Department of Agriculture (DA) shall assist lowland and
11 upland communities raise fruit tree seedlings and adopt programs for the transfer
12 of proper and sustainable agricultural technologies and practices to community
13 members, including post harvest techniques and marketing assistance.

14 (e) The Department of Education (DepEd) shall strengthen
15 environmental education and mobilize the students to plant trees and take care
16 of them in appropriate vacant areas in their localities.

17 (f) The Department of Public Works and Highways (DPWH) shall
18 organize special units to plant appropriate and available species on strips of land
19 along national arterial roads and maintain and protect them.

20 (g) The Department of Tourism (DOT), in coordination with the DENR,
21 shall identify and promote forest plantations as eco-tourism spots.

22 (h) Other government agencies such as the National Power
23 Corporation (NPC), National Irrigation Administration (NIA), Philippine National
24 Oil Company (PNOC), and state universities and colleges (SUCs) with
25 administrative jurisdiction over tract of public land and critical watersheds shall
26 also rehabilitate and reforest lands under their respective jurisdictions.

27 The SUCs shall likewise develop programs/projects that would promote
28 appropriate silvicultural practices, production, utilization, processing and
29 marketing techniques through IEC, training and establishment of model sites.

1 (i) The Department of Trade and Industry (DTI) shall promote
2 understanding and implementation of trade policies and incentives on production,
3 processing, and exporting of timber related products and specific crops and fruit
4 trees.

5 (j) The Philippine Information Agency (PIA) shall create public
6 awareness on the Program and its components, and shall be responsible in
7 producing information materials and their dissemination through the use of the
8 mass media.

9 CHAPTER II

10 REFORESTATION BY THE COMMUNITIES

11 SEC. 7. **Community Reforestation through CBFMA.** – New
12 reforestation, assisted natural regeneration and related program shall be
13 awarded mainly to upland and coastal communities. Individual families, police,
14 military, and other government personnel who wish to participate in the Program
15 shall form themselves into cooperatives. The agreement shall be granted for
16 twenty-five (25) years, renewable for another twenty-five (25) years subject to the
17 terms and conditions in the CBFMA and subsequent rules and regulations
18 promulgated in accordance with Section 36 hereof.

19 SEC. 8. **Role of NGOs and Academic Institutions.** – NGOs and
20 academic institutions shall be tapped to handle relevant services, especially
21 social and technical training and monitoring and evaluation of the reforested
22 area: Provided, that NGOs and academic institutions which handled training shall
23 not conduct the monitoring and evaluation of the reforested area.

24 SEC. 9. **Rights and Obligations of the CBFMA Holder.** – The
25 CBFMA holder can harvest, process, sell or otherwise utilize the products grown
26 on land covered by the CBFMA, or make portions of the contracted area into an
27 eco-tourism spot. The CBFMA holder shall have the following obligations:

1 (a) Practice appropriate silvicultural system or cutting regimes for
2 mature trees in accordance with management plans; replant cleared areas within
3 one (1) year after cutting;

4 (b) Promote forest biodiversity by planting indigenous forest species
5 and conserving natural forest species in contracted forest areas. Fuelwood trees
6 can be planted to add to species diversity and to eliminate the cutting of prime
7 wood species for fuel and charcoal purposes;

8 (c) Pay the government through the DENR or the government agency
9 that has administrative jurisdiction over the forestland, a production share from
10 the sales of forest products harvested equivalent to the real value of
11 government's investment in the area; and

12 (d) Ensure high survival rate of planted seedlings and maintain and
13 protect trees until maturity, In exchange for the right to harvest in accordance
14 with DENR guidelines, and utilize the trees.

15 SEC. 10. **Additional Area for Fruit Tree Plantation.** – Every six (6)
16 hectares planted with forest species shall entitle the community to devote a
17 hectare for raising of fruit trees and other agricultural crops. The land tenure over
18 such plantation of fruit trees or agricultural crops shall be coterminous with the
19 terms of CBFMA.

20 The DA and devolved agricultural extension workers shall assist the
21 community raise fruit tree seedlings. They shall also train the communities on
22 proper agricultural technologies and post-harvest and marketing practices.

23 SEC. 11. **Other Incentives.** – CBFMA holders shall enjoy the following
24 benefits:

25 (a) Use the reforested area as eco-tourism spot. Holders of CBFMA
26 shall have the right to make use of the reforested and protected area as eco-
27 tourism spot. They may collect gate/entrance fee and put up income-generating
28 auxiliary services for the maintenance and conservation of the area. Operation of
29 the area shall be coordinated with Department of Tourism (DOT) for tourist

1 promotion, and the LGUs for infrastructure support and collection of appropriate
2 taxes.

3 (b) Market linkages for agricultural output. The DA, in coordination with
4 DTI 's regional and provincial offices and agribusiness research organizations of
5 the private sector, shall update upland farmers on market prices of fruits and
6 other agricultural products, and assist them in identifying buyers and marketing
7 outlets.

8 (c) Market linkage for forest products. The DENR and other concerned
9 agencies and groups shall update CBFMA holders about domestic buyers for
10 particular forest products, including the specified product quality.

11 (d) Option to turn over the management and right to harvest the
12 reforested land to the DENR at least after five (5) years of the CBFMA. This is
13 particularly applicable in plantations and eco-tourism spots where the trees are
14 better left to grow and mature beyond the fifty (50)-year constitutional limit. The
15 government, through the DENR, shall compensate the CBFMA holders the
16 amount equivalent to stumpage value of standing trees minus real investment of
17 the government in the area.

18 (e) Priority to be granted additional areas for reforestation CBFMA or
19 IFPMA of purely plantation establishment type.

20 (f) Exemption from forest charges and real property tax. Holders of
21 CBFMA and awardees of other people-oriented forestry programs shall be
22 exempted from paying taxes on revenue from reforested and protected areas.

23 (g) Right to securitize the growing trees. Holders of CBFMA may use
24 the plantation of at least five (5) years old with adequate forest stand, in the
25 assurance of asset-backed securities, such as bonds and stocks, to finance the
26 reforestation of another area. Said asset backed securities shall enjoy tax breaks
27 and other incentives, whenever possible, already provided under existing laws.

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CHAPTER III

REFORESTATION BY AFP/PNP PERSONNEL

3 **SEC.12. *Reforestation of Denuded military Reservation Areas.***-

4 Spearheaded by organized special units, all personnel of the Armed Forces of
5 the Philippines (AFP) stationed temporarily or permanently in military reservation
6 areas shall be involved in reforesting denuded portions of the area not directly
7 utilized for military and training purposes. They and the succeeding units shall
8 maintain and protect the trees until maturity. Reforestation for three (3) years and
9 maintenance costs shall be funded by the DND.

10 **SEC. 13. *Rights, Obligations and Incentives.*** - The military and police
11 personnel participating in the reforestation program shall have the following rights
12 and obligations, and entitled to following incentives:

13 (a) Rights and obligations of the CBFMA holder as enumerated under
14 Section 9 hereof;

15 (b) Incentives enumerated under Section 11 hereof;

16 (c) Additional allowance as compensation for particular tasks or
17 phases of the contract they have completed;

18 (d) Acquisition of shares of stocks of the cooperative/corporation to be
19 formed representing the economic value of trees planted; and

20 (e) Earning from said stocks and revenue shares from the sale of
21 forest products yielded by the plantation as their retirement credits in the future

22 **SEC. 14. *Report to the DENR.*** – The AFP and the PNP shall submit an
23 annual report to the DENR on the progress of their projects including the areas
24 they have reforested and the results of their operations in forest protection as
25 mandated in Chapter VI of this Act.

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CHAPTER IV

INVOLVEMENT OF PRIVATE INDIVIDUALS AND CORPORATIONS

28 **SEC.15. *Adoption of a Reforestation Project.*** - Private corporations,
29 foundations, foreign and local NGOs, and similar institutions shall be invited by

1 the DENR, government agencies with administrative jurisdiction over watershed
2 and forestland reservations, and local government officials to adopt and finance a
3 denuded area for reforestation, maintenance and protection. The assistance can
4 be channelled directly from the donor to the implementors and beneficiaries and
5 assisting local NGOs. The DENR shall be informed of such arrangement for
6 assistance in identifying priority areas for reforestation. If funds are channelled
7 through the DENR, the latter shall enter into a Memorandum of Agreement
8 (MOA) with the donor to account for wise and proper spending of the donated
9 funds.

10 **SEC. 16. Adoption of a Reforestation Project-** Private corporations,
11 foundations, foreign and local NGOs, and similar institutions shall be invited by
12 the DENR, government agencies with administrative jurisdiction over watersheds
13 and forestland reservations, and local government officials to adopt and finance a
14 denuded area for reforestation, maintenance and protection. The assistance can
15 be channelled directly from the donor to the implementors and beneficiaries and
16 assisting local NGOs. The DENR shall be informed of such arrangement for
17 assistance in identifying priority areas for reforestation. If funds are channelled
18 through the DENR, the latter shall enter into a Memorandum of Agreement
19 (MOA) with the donor to account for wise and proper spending of the donated
20 funds.

21 **SEC. 16. Adoption of a Forested Area for Protection.** - The private
22 sector, in coordination with the DENR and government agencies with
23 administrative jurisdictions over watersheds and forestland reservations, may
24 adopt a particular forested area, like portions of a national park or watershed for
25 maintenance, protection and biodiversity conservation through a memorandum of
26 agreement with the DENR. The mechanics for the channelling of funds as
27 specified in Section 15 above shall be adopted. The DENR and government
28 agencies with administrative jurisdiction over watershed and reservations shall

1 identify and publish areas available for adoption in each region or province or
2 specific watersheds or reservations.

3 **SEC. 17. *Development of Private Forestry and Incentives.***- Owners of
4 private lands who plant forest trees in their property shall enjoy the following
5 incentives:

6 (a) Technical assistance from the DENR on proper silvicultural
7 practices;

8 (b) Update on forest products markets and prices by the DENR and
9 wood producers' groups or associations;

10 (c) Exemption from forest charges under Republic Act No. 7161 and
11 value-added tax (VAT) for the sale, barter or exchange of timber and forest
12 products, and from real property tax under Republic Act No. 7160;

13 (d) Priority in credit assistance granted by government-owned and
14 controlled corporations at reasonable interest rates; and

15 (e) Right to export timber and other forest products grown in the land
16 subject, however, to existing rules and regulations governing trade policies and
17 incentives as provided by the DTI.

18 For certification purposes, tree plantations shall be registered with the
19 barangays and municipal offices, which shall maintain permanent registry books.

20 **SEC. 18. *Planning of Fuelwood Species.***- The DENR shall disseminate
21 technology on the planting of fuelwood species not only to lessen the pressure
22 on the cutting and harvesting of prime wood species for firewood purposes but
23 also to meet fuelwood requirements and create livelihood opportunities and
24 sources of income for the communities without impairing the integrity of the
25 environment.

26 **SEC. 19. *Ownership of Planted Trees along Highways.***- Those who
27 planted and maintained the trees along highways, roadsides, and other vacant
28 portions of A & D land shall have the exclusive right to harvest and utilize the
29 trees when these mature. The local CENRO shall allocate among interested

1 shall submit to the DENR the list of available lands for such purpose and include
2 in its yearly budget the necessary funds for the establishment and maintenance
3 of urban green parks. The Secretaries of the DENR and DILG shall work closely
4 to ensure compliance with this provision and coordinate with various agencies of
5 the national government and the private sector to enhance the implementation
6 of urban forestry.

7 Roadsides and islands, campuses, office compounds, cemeteries,
8 riverbanks, shorelines and other areas shall also be planted with trees.
9 Students, employees, and members of civic and people's organizations shall be
10 invited to undertake the activity. The maintenance and protection of the trees
11 shall be closely coordinated by the LGUs, the DENR and all other concerned
12 agencies.

13 **SEC. 23. Establishment of Mini-forest Parks in Subdivision Projects.-**

14 Every subdivision project to be developed after the promulgation of this Act shall
15 include the establishment of green parks whose areas shall not be less than
16 twenty-five (25%) of the required open space in accordance with PD No. 953.
17 For subdivision projects covering (1) hectare or more in total area, the open
18 space allocated exclusively for parks, playgrounds and recreational uses shall
19 have the following standards:

20 (a) Nine percent (9%) of gross area for high-density or social housing
21 (21 to 65 family lots per gross hectare);

22 (b) Seven percent (7%) of gross area for medium-density or economic
23 housing (21 to 65 family lots per gross hectare);

24 (c) Three and one-half percent (3.5%) of the gross area for low density
25 or open market housing (21 to 65 family lots and below per gross hectare).

26 Areas reserved for parks, playgrounds and recreational uses shall be non-
27 alienable and non-buildable public lands. The plans of the subdivision project for
28 residential, industrial or commercial purposes shall include tree planting on such
29 open spaces and other parts of such project as may be practicable and as may

1 be designated by the approving LGU. No portion of the parks or playgrounds
2 may thereafter be converted to any other purpose or purposes nor shall any
3 artificial structures or improvements constructed thereon unless such are
4 certified by the DENR to be absolutely necessary for development and
5 maintenance of the park as well as the preservation of its ecological system.

6 No plan for a subdivision project shall be approved by the local
7 government in the city or municipality where such project is located without the
8 inclusion of a tree-planting program in such plan and unless the owner thereof
9 undertakes to develop such open space within three (3) years from the approval
10 of the plan. In cases of subdivisions developed or development plans approved
11 before the effectivity of this Act, it shall be incumbent upon the owner or
12 developer of the project to plant trees in the open spaces reserved for the
13 common use and enjoyment of the owners of the lots therein as well as along all
14 roads and service streets.

15 Guidelines for the establishment and maintenance of parks within
16 subdivisions shall be prepared jointly by the Housing and Land Use Regulatory
17 Board (HLURB) and the DENR.

18 **SEC. 24. *Recognition of Outstanding and "Greenest" City or***
19 ***Municipality-*** Three (3) years after the effectivity of this Act, a city or
20 municipality in each province having the best mini-forest parks and reforested
21 idle portions of A&D land shall be given recognition and an award by the DENR
22 and shall be promoted by the DOT as among the priority eco-tourism spots in
23 the country: Provided, That the necessary tourism infrastructure and services
24 are already in place before the are is promoted for eco-tourism.

25 **CHAPTER VI**

26 **FOREST PROTECTION**

27 **SEC. 25. Forest Protection Teams.** The Secretary of the DENR shall
28 enforce forestry laws to protect the remaining natural forests and plantation
29 forests from illegal loggers, poachers, kaingin farmers, pests and diseases, fires

1 and other factors that destroy the forest. Forest protection teams under the
2 DENR shall be organized consisting of personnel drawn from the DENR, the AFP
3 and the PNP including LGU deputized local leaders on a full-time basis. They
4 shall be assisted by personnel from other government agencies and SUCs with
5 administrative jurisdiction over watersheds and forestland reservations, civilian,
6 volunteers, concerned NGOs. Equipment shall be acquired by the DENR aside
7 from equipment support provided by other units.

8 These forest protection teams shall conduct intensive intelligence
9 operations, regular aerial photography and surveillance to detect, identify,
10 apprehend forest criminals for prosecution, confiscate illegally cut timber forest
11 products, conveyances, tools and equipment.

12 SEC. 26. ***Incentives.***- Members of forest protection teams shall be
13 granted incentives, to include but not limited to higher base pay, free legal
14 assistance, hazard pay, uniform allowance, group insurance, and a reward
15 system of twenty percent (20%) of the value of confiscated materials.

16 SEC. 27. ***Forest Protection Equipment.*** – The DENR, DILG and
17 DND shall allocate in their respective annual budgets sufficient funds to provide
18 the protection teams access to modern technology and equipment such as
19 aircraft, global positioning systems, land transportation vehicles, communication
20 facilities, ground fire fighting equipment, and basic pesticides against common
21 forest pests and insects.

22 SEC. 28. ***Control of Forest Conversion to Agricultural Use.***- The
23 DENR, DA and Department of Agrarian Reform (DAR) shall adopt measures to
24 stop the illegal conversion of forest lands into agricultural, mining, pasture, and
25 other non-forest uses. The DENR shall cause the cancellation of instruments
26 issued over such lands and repossess said lands for reforestation purposes:
27 Provided, That the farmers therein shall be organized to regenerate that land
28 through people-oriented forestry.

1 (c) Any person, for personal gain or profit, who shall intentionally cut,
2 remove, or in any manner destroy, set destructive fire or cause damage to the
3 trees and forest growth found therein, shall, upon conviction, be fined the
4 amount of not less than Ten thousand pesos (P10,000.00) nor more than One
5 hundred thousand pesos (P100,000.00) and punished with imprisonment for a
6 period of not less than two (2) years and one day nor more than four (4) years
7 for each such offense: Provided, That the maximum penalty shall be imposed
8 upon the offender who repeats the same offense and double the maximum of
9 the penalty upon the offender who commits the same offense for the third time.

10 (d) Any person who shall, without permit, occupy for any length of time
11 any portion of the mini-forest reserve or who mutilates, defaces, destroys
12 objects of natural beauty or of scenic value within the reserve, or who assists,
13 aids or abets any other person to do so, or refuses to vacate the reserve when
14 ordered by the duly authorized representative of the DENR or concerned LGU,
15 shall upon conviction, be fined not less than Five thousand pesos (P5,000.00)
16 nor more than Fifty thousand pesos (P50,000.00) and punished with
17 imprisonment for a period of not less than six (6) months nor more than two (2)
18 years.

19 In all cases of illegal occupancy, the Court of competent jurisdiction shall
20 further order the eviction of the offender from the land and the forfeiture to the
21 government of all improvements made and all vehicles, domestic animals and
22 equipment of any kind used in the commission of the offense. If not suitable for
23 use by the DENR, said vehicles, domestic animals, equipment and
24 improvements shall be sold at public auction, the proceeds of which shall accrue
25 to the DENR as additional funds for the implementation of this Act.

26 In case the offender is a government official or employee, he shall, in
27 addition to the above penalties be automatically dismissed from office and
28 permanently disqualified from holding any elective or appointive position.

1 SEC. 38. **Repealing Clause.**- All laws, executive orders, rules and
2 regulations, or parts thereof inconsistent with any of the provisions of this Act are
3 hereby amended, repealed or modified accordingly.

4 SEC. 39. **Effectivity.**- This Act shall take effect after its complete
5 publication in at least (2) newspapers of general circulation.

Approved,