

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

FOURTH LEGISLATIVE ASSEMBLY
(Third Regular Session)

Began and held in Cotabato City, the twenty seventh day of October, two thousand and three.

[MUSLIM MINDANAO AUTONOMY ACT NO. 161]

AN ACT PROVIDING FOR SUSTAINABLE FOREST
MANAGEMENT IN THE AUTONOMOUS REGION IN
MUSLIM MINDANAO AND FOR OTHER PURPOSES

Be it enacted by the Regional Legislative Assembly of the Autonomous
Region in Muslim Mindanao in session assembled:

CHAPTER I

GUIDING PRINCIPLES AND POLICIES

SECTION 1. *Title.* – This Act shall be known as “The Regional Sustainable Forest Management Act of 2003 of the Autonomous Region in Muslim Mindanao.”

SEC. 2 . *Declaration of Principles and Policies* – The Regional Legislative Assembly hereby declares the policy of the regional government to protect and conserve the remaining natural forests, rehabilitate the denuded forestlands , develop, constructively utilize and manage these forestlands through the established principles of *Shari’ah* customary *Adat* laws, multi-sectoral participation, community based approach, multiple-use and sustainable forestry under the framework of the Constitution and the Organic Act, in order to ensure ecologically conscious, morally upright, poverty alleviated, socially responsible, economically developed and politically matured cultural communities, do ordain and promulgate this Sustainable Forest Management Act.

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SEC. 3. Basic Policies and Strategies. – Pursuant to the provisions of the Constitution and the Organic Act for the Autonomous Region in Muslim Mindanao to promote the general welfare and social justice in all phases of regional development, to protect and advance the rights of the inhabitants of the Autonomous Region to a balanced and sustainable ecology in accord with the rhythm and harmony of nature, and to conserve and develop the patrimony of the region, and in conformity with the *Shari'ah* principle of legislating on anything of utility for the common welfare, and in further consonance with the traditional values and customary practices of the peoples of the Region, the Autonomous Region in Muslim Mindanao hereby adopts the following policies relative to the conservation, protection, constructive utilization, management, and development of forestlands and their resources within the area of the Autonomous Region:

- (a) *Sustainable and integrated management of forest resources.* – The management and development of forest resources in an integrated and sustainable basis, focusing on the resources and the people who conserve, protect, constructively utilize, manage, develop, and benefit from them, shall be the guiding policy in the conservation, protection, constructive utilization, management, and development of forest resources.
- (b) *Permanency of forestland limits.* – The specific limits of forestlands after these have been fixed and demarcated within the Autonomous Region shall not be altered except through the Act of the Regional Legislative Assembly (RLA).
- (c) *Forest resources to promote the common good.* – The use of forest resources shall bear a moral responsibility, social function and civic accountability to promote the common good.
- (d) *Forest management as a form of khilafah (stewardship) and amanah (trust).* – The conservation, protection, constructive utilization, management, and development of forestlands and their resources shall be considered as a Divine trust and the people involved in those duties and obligations shall be considered as stewards or trustees who are not only responsible to the State, the people, and the Region but are also accountable to Almighty God.
- (e) *Community-Based Forest Management (CBFM) and Community Forest Management (CFM) as principal strategies.* Rights to access and responsibilities shall be vested upon local communities and the inhabitants of the Region to promote the sustainable management and development of forestlands and their resources, specially in production forestlands and multiple-use and buffer zones in protected areas. These shall have precedence over the other strategies.

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- (f) *Watershed as a basic planning unit.* – Pursuant to paragraph (d) above, and consistent with the concepts of sustainability, constructive multiple-use, and biodiversity conservation, watersheds shall be the basic planning unit in forestland management and development by local governments and communities in ensuring sustained and continuous supply of water for domestic, irrigation, power, industrial, and commercial use.
- (g) *Multi-sectoral participation.* – The participation of all sectors of society in the sustainable conservation, protection, constructive exploration and utilization, management, and development of forestlands shall be promoted consistent with Section 7, Article 12 of R.A. No. 9054. Equitable sharing of the benefits derived from forestlands shall be ensured at all times.
- (h) *Protection of forestlands and natural resources as priority concern.* – Consistent with paragraph (d) above, the protection of forestlands, especially protected areas as enumerated and described in the NIPAS law (R.A. No. 7586) and the natural resources therein shall be given priority concern in order to ensure moral accountability, social responsibility, and environmental stability, to enhance biodiversity, to increase productivity, and to provide enduring economic benefits.
- (i) *Reforestation as a priority activity.* – Consistent with the *Shari'ah* concepts of *tahsin al-ardh* and *ihya al-mawat*, and pursuant to Section 14, Article 12 of R.A. No. 9054, reforestation shall be given emphasis in order to rehabilitate and restore the aesthetic value, usefulness and productivity of denuded and degraded forestlands to ensure the economic productivity and ecological stability of the Region.
- (j) *Security of Tenure of Stakeholders.* Pursuant to the principles of sustainable, morally accountable, socially responsible, and multiple-use forest management and equitable access to forest resources, a secured tenure shall be guaranteed to stakeholders concerned.
- (k) *Professionalism in the Forest Service.* – Consistent with the *Shari'ah* principle of '*Amr bi 'l-ma'ruf* and *Nahi 'ani 'l-munkar* or enjoining what is right and forbidding what is wrong, a God-conscious, dynamic, professional, patriotic, morally-upright, and people-centered forest service shall be developed and fully supported.
- (l) *Principles of Good Governance.* – The principles of good governance on transparency, accountability and participatory democracy shall remain as guiding thrusts in the implementation of this Act.

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SEC. 4. *Definition of Terms.*

- a) “*Adat*” refers to customs and traditions practiced by any of the Bangsamoro tribes or of the indigenous peoples.
- b) “Alienable and Disposable Lands” refer to lands of the public domain which have been delineated, classified and declared as such, and available for disposition under the provisions of Commonwealth Act No. 141, as amended, otherwise known as the Public Land Act and as provided by R.A. 9054
- c) “*Amr bi 'l-ma'ruf* and *Nahi 'ani 'l-munkar*” refer to the *Shari'ah* principles of enjoining what is right and forbidding what is wrong. These two principles are inseparable
- d) “Ancestral Domain” refers to all lands and natural resources occupied or possessed by indigenous cultural communities as recognized and delineated pursuant to R.A. No. 8371 or the Indigenous Peoples Right Act (IPRA), or those that maybe delineated by an Act passed by the RIA.
- e) “Ancestral Lands” refer to lands recognized and delineated pursuant to R.A. No. 8371 (IPRA), or those that maybe delineated by an Act of the RIA.
- f) “Center” – refers to the Mindanao State University – Forest Resource and Environment, Policy, Research, Governance Center (MSU-FREPRGC) in Marawi City.
- g) “Commercial Logging” refers to the cutting or felling of trees for the purpose of disposing of the cut or felled logs for monetary profits beyond survival and livelihood means.
- h) “Community Forest” refers to a tract of forestland set aside and established for and under the protection, administration and management of a city, municipality or barangay.
- i) “Community-Based Forest Management Strategy (CBFMS)” refers to the process of granting property rights to communities inside and adjacent to public forestlands with the intent to empower them and entrust to them the conservation, protection, constructive utilization, rehabilitation, management, and development of the forestlands and resources therein.
- j) “Community Forest Management (CFM)” refers to the conservation, protection, constructive utilization, rehabilitation, management, and development of community forestlands and the resources therein through indigenous cultural and traditional practices.

- k) "Conservation" refers to planned protection and management of forests and their resources so as to prevent waste and ensure future use.
- l) "Conveyance" refers to any vehicle, vessel, device or animal used in transporting forest products.
- m) "Co-Production Agreement" refers to agreement entered into by and between a qualified person/s and the government for the former to develop, constructively utilize and manage, consistent with the principles of sustainable development, a private land or portion of a forestland wherein both parties agree to provide inputs and share the products of their equivalent cash value.
- n) "Critical Watersheds" refer to a drainage area or river system supporting existing and proposed hydroelectric powers, irrigation works, or domestic water facilities.
- o) "Department" refers to the Department of Environment and Natural Resources (ARMM).
- p) "Department of Environment and Natural Resources (DENR)" refers to the DENR National.
- q) "Environmental Impact Statement (EIS) System" refers to the organization, administration, and procedures that have been institutionalized for purposes of assessing the significance of the effects of any project or undertaking on the quality of the physical, biological and social-economic environment and designing the appropriate mitigating and enhancement measures.
- r) "*Fiqh*" refers to the human understanding and interpretation of the *Shari'ah*.
- s) "Flitch" refers to a large piece of sawn log or, as that term is commonly applied, to a part of a log of a greater thickness than a plank board.
- t) "Forest" refers to a plant association, predominantly of woody vegetation, occupying an extensive area, and with sufficient density such that ecological conditions are distinct from those of the outside.
- u) "Forestry" refers to the branch of science that deals with the management of forest resources.
- v) "Forest Charges" refer to the levy imposed and collected by the government on naturally growing timber and other forest products cut, harvested, or gathered from the forestlands and from "alienable and

disposable" (A & D) lands in accordance with R.A. No. 7161 (Increasing the Forest Charges on Timber and Other Forest Products).

- w) "Forest-Based Industries" refer to various industries that are dependent on raw materials of products derived from forests such as, but not limited to, wood, rattan, bamboo, vines, latex, resins, saps, essences, fruits, flowers, or wild flora and fauna.
- x) "Forest Community" refers to a group of people residing inside or immediately adjacent to a particular forestland whose subsistence is largely or partly dependent on the forest resources found therein.
- y) "Forest Land Use Plan (FLUP)" refers to a set of document containing delineated areas within forestlands, such as but not limited to communal forest, community watersheds, greenbelts, tree parks, reforestation areas and other co-management areas set aside by the Department for LGUs conservation, protection, constructive utilization, management and development.
- z) "Forestry Sector" refers to unit of the government, non-government and people's organization engage in or interested in the conservation, protection, constructive utilization, management and development of forestlands.
- aa) "Forest Officer" – refers to any public officer who, by the nature of his appointment, deputation or the functions of the position to which he is appointed, is delegated by law and regulations or commissioned by competent authorities to execute, implement or enforce the provisions of this Act and other related laws and regulations.
- bb) "Forest Plantation" refers to a forest stand established by planting and/or seeding in the process of afforestation and reforestation. They are either of introduced species (all planted stands), or intensively managed stands of indigenous species, which meet all the following criteria: one or more species at plantation, even-aged class, and regular spacing.
- cc) "Forest Resources" refer to all resources whether biomass such as plants and animals or non-biomass such as soil, water, scenery, as well as the intangible services and values present in forestlands or in other lands devoted for forest purposes.
- dd) "Forestlands" refer to public lands classified as such under Presidential Decree 705 (Philippine Forestry Code) as amended and all such unclassified public lands with a slope of 18% and above and has an elevation greater than 1,000 meters asl.

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- ee) "*Gapa*" refers to an ancestral land that belongs to or is claimed by a person who belongs to a family or a community who owns said land. The other term for this kind of land is *Kawali*.
- ff) "Grazing Land" refers to a part of the forestland designated and managed for the raising of livestock.
- gg) "*Ihya al-mawat*" refers to the *Shari'ah* concept of giving life to dead lands. This means individuals and communities are required to make use of uncultivated lands.
- hh) "Indigenous Cultural Communities (ICC)" refers to a group of people or tribe of indigenous Filipinos as defined or described under R.A. No. 8371 (IPRA). As used in this Act, indigenous cultural community is synonymous with indigenous people and Lumads.
- ii) "Joint Venture Agreement" refers to an agreement where the government and a qualified person organize or joint-venture company, with both parties having equity, shares, to develop and manage, consistent with the principles of sustainable development, a portion of forestland. Aside from earnings on the equity, the Government shall be entitled to a share in the output computed at a certain percentage mutually agreed upon by and beneficial to both parties.
- jj) "*Kaingin*" refers to the practice of slash-and-burn or shifting cultivation inside forestlands.
- kk) "*Kawali*" has the same meaning as and is used interchangeably with *Gapa*.
- ll) "*Khilafah and Amanah*" refer to the concepts of stewardship and trust. By *Khilafah* is meant that man is created by God to inherit the earth and to establish thereat the kingdom of God. By *Amanah* is meant that this constructive use and development of the earth is a trust from God.
- mm) "Multiple-Use" refers to the harmonized utilization, development and management of forestlands for the production of two or more products, goods and /or services in conformity with the principle of sustainable development.
- nn) "National Park" refers to a forest reservation essentially of natural wilderness character of which has been withdrawn from settlement, occupancy, or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals, and plants therein and to provide enjoyment of these features in such areas.

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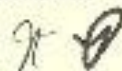
- oo) "Inhabitants" refers to Filipino citizens residing in the Autonomous Region in Muslim Mindanao (ARMM).
- pp) "Natural Forest" refers to forest composed of indigenous trees, not planted by man, whose structure, functions, and dynamics have been largely the result of natural succession processes.
- qq) "Non-Government Organization (NGO)" refers to a non-stock, non-profit, and voluntary organization established primarily to provide assistance or service.
- rr) "Production Sharing Agreement" refers to a contract between the government and a person, whether natural or juridical, wherein both parties exercise the right to manage, develop, and utilize forest resources within a specific area of production forestlands and period of time with the person providing the financing, technology, management, personnel, marketing and other inputs necessary to implement the agreement and both parties sharing the benefits under the terms and conditions set forth in said agreement.
- ss) "Protected Areas" refer to areas defined and designated as such pursuant to R.A. 7586 (NIPAS Act), and those that maybe delineated by an act of the RLA.
- tt) "Settlers" refer to Filipinos who or whose parents are not originally natives of the Autonomous Region but chose to settle in the area
- uu) "*Shari'ah*" refers to the totality of God's commandments to man. It is oftentimes translated as Islamic Law
- vv) "*Shura*" refers to the *Shari'ah* doctrine of consultation.
- ww) "Sultanate" refers to the traditional political communal entity among the Bangsamoro peoples. It may range in area, as there are very large ones like the Sultanate of Sulu and the Sultanate of Maguindanao and there are very small ones, such as the sultanates within the area of Lanao.
- xx) "Sustainable Development" means meeting the needs of the present generation without compromising the ability of the future generations to meet their own needs.
- yy) "*Tahsin al-ardh*" refers to the duty of the community to beautify the environment.
- zz) "*Taritib ago Igma*" refers to the unwritten customary *'adat* laws of the Bangsamoro peoples.

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- aaa) "Tenure" means guaranteed peaceful access to and use of specific forestland area and the resources found therein through leases, permits and licenses granted by the Regional Government.
- bbb) "Timber License Agreement (TLA)" refers to a privilege granted by the Government to a person to utilize forest resources within a forestland with the privilege of possession and occupation thereof to the exclusion of others except the government, with the corresponding obligation to develop, protect and rehabilitate the same in accordance with the terms and conditions set forth in the said agreement
- ccc) "*Ulama*" refers to Muslims who are trained and learned in Islamic Theology, Islamic Law and Jurisprudence.
- ddd) "*Waqf*" refers to endowments, donations and other collections established and managed for the general welfare. Waqf funds shall be utilized to support programs and activities related to forest conservation and the like.
- eee) "Watershed" refers to a land area drained by a stream or a fixed body of water and with tributaries having a common outlet for surface run-off.
- fff) "Watershed Reservation" refers to forestland reservation established to protect or improve the conditions of the water yield thereof or reduce sedimentation (P.D. No. 705, as amended).
- ggg) "Wood-Based Industries" refer to various industries that use wood as the principal raw material including but not limited to sawmilling, pulp and paper making, and plywood and veneer manufacturing or the upstream wood-based industries, as well as the secondary and tertiary wood processing or downstream industry such as, among others, mouldings and furniture manufacturing.

CHAPTER II DELINEATION OF FOREST LANDS AND LAND USE PLANNING

SEC. 5. *Permanency of Forest Lines/Boundaries.* – The Department, in coordination with and assistance of the National Mapping and Resource Information Authority(NAMRIA), Department of Interior and Local Government (DILG), local government units, non-government organizations, peoples organizations, including religious and tribal leaders shall within five (5) years upon the effectivity of this Act, identify and delineate on the ground the permanent forest boundaries/lines between the permanent forest lands and alienable and disposable lands following natural boundaries or road infrastructure with concrete monuments or any other visible permanent and practical signs or markers.



For this purpose, the Regional Government shall allocate funds for forestland sub-classification and boundary delineation.

SEC. 6. Sub-classification of the Forest Lands. - The Department, after due consultation with concerned communities, LGUs, and other stakeholders shall have the authority to sub-classify the permanent forest lands into the following categories according to primary use:

- a. **Protection Forest** - All areas within the forestlands designated or set aside as protected areas pursuant to R.A. No. 7586 (NIPAS Act) and such other areas that the Department may hereinafter identify shall constitute protection forests. All mossy and primary/virgin or old-growth forests and natural beach, swamp and mangrove forests within production forestlands shall also be sub-classified as protection forests. This sub-classification is so designated because of its ecological and non-material functions. The establishment and management of protection forest shall be in accordance with R.A. No. 7586 (NIPAS Act), and those that maybe delineated by an Act of the RLA.
- b. **Production Forest** - All permanent forestlands not sub-classified as protection forestlands as hereinafter defined shall be sub-classified as production forestlands for the production of timber and other forest products.

SEC. 7. Other Lands to be Classified as Forest Lands. - The following lands, although below eighteen percent (18%) in slope, are needed for environmental protection and forestry purposes and shall not therefore be classified as alienable and disposable lands, nor be subject to logging, mining, quarrying, and such other form of occupancy, land use or resource extraction activities:

- a. Areas less than two hundred fifty hectares (250 has.) which are far from, or not contiguous with any certified alienable and disposable land;
- b. Isolated patches of forest at least five hectares (5 has.) in area with rocky terrain or which protect a spring for communal use;
- c. Areas of not less than ten hectares (10 has.) covered with natural forest;
- d. All mangroves and swamp lands which are not yet classified as alienable and disposable lands;
- e. Ridge tops and plateaus regardless of size found within or surrounded wholly or partially by forestlands where headwaters emanate;
- f. Appropriately located roads right-of-way;

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- g. Twenty-meters (20 m) strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five meters (5 m) wide, which are not yet classified as alienable and disposable;
- h. Strips of mangrove or swamplands at least twenty meters (20 m) wide, in case of rural areas and three meters (3 m) wide in case in urban areas along the shoreline facing oceans, lakes and other bodies of water, and strips of lands at least three (3 m) meters and twenty (20 m) meters wide for urban and rural areas respectively facing lakes, which are not yet classified as alienable and disposable;
- i. Areas within watershed reservations; and
- j. Areas considered environmentally critical because of their vulnerability to damage from typhoons, landslides, volcanic eruptions and natural causes.

The classification of forestlands under this section shall be done by an Act of the RLA.

Owners who have acquired vested rights over lands enumerated above are required to implement soil and water conservation measures in coordination with the Department and the appropriate local government unit.

SEC. 8. Forest Land Use Plan. – In order to provide a rational, orderly, efficient and constructive utilization of forest lands and to encourage the productive use and the conservation of forestlands, the Department within one (1) year from the effectivity of this Act in coordination with LGUs, local communities, non-government organizations and other sectors shall jointly undertake the preparation of forest land use plan. The Forest Land Use Plan (FLUP) shall be consistent with existing forest land use planning principles and shall be made an integral component of LGUs comprehensive land use and development plan.

CHAPTER III GOVERNANCE, ADMINISTRATION AND MANAGEMENT OF FOREST LANDS

SEC. 9. DENR as Lead Agency. – The Department shall be the primary and principal agency for the protection, conservation, constructive utilization, management, and development of all forestlands and unclassified lands of the public domain within the Autonomous Region. In coordination with Local Government Units, and other government agencies as provided in this Act, the Department shall ensure that these lands are protected, conserved, constructively utilized, managed, and developed in accordance with this Act.

In pursuance of the preceding paragraph, the Department shall have supervision and control over support institutions created under this Act and those that may be created

by Regional Law. The Department shall also exercise visitorial power over licensees, permittees, concessionaires, grantees, and other holders of tenurial instruments.

SEC. 10. *Participation of Local Government Units in Forest Management.* – Consistent with pertinent provisions of this Act, LGUs shall actively participate in the protection, conservation, constructive utilization, management, and development of forestlands within their respective areas of jurisdiction. For this purpose, the appointment of Environment and Natural Resources Officers in every province, city or municipality as stipulated under Article 14, Title 5 of R.A. No. 7160 (Local Government Code of 1991) and its implementing rules and regulations is hereby reiterated. The LGU concerned, through the Environment and Natural Resources Office (ENRO) shall coordinate with the Department in preparing and implementing forest land use plans and such other forest management activities to ensure partnership and co-management as provided in this Act.

SEC. 11. *Peoples Participation and Participation of Civil Society Organizations.* - This Act recognizes the role and ensures the participation of the inhabitants of the Region, and of credible and creditable civil society organizations. To ensure their participation in the conservation, protection, constructive utilization, management and development of forestlands, the Department shall accredit communities, multi-sectoral groups, NGOs and POs to participate in the aforesaid activities. Appropriate local government units shall endeavor to encourage these groups to apply for accreditation.

The Department with the assistance of the Regional Environmental Management Council and the MSU Forest Resource and Environment Policy, Research and Governance Center (MSU-FREPRGC) shall formulate criteria in recognizing pertinent NGOs and POs to participate in forestland governance in the Region.

Traditional leaders and indigenous institutions shall be considered as part of the community or peoples organization for purposes of ensuring their participation at community level. Communities living within or adjacent to forestlands shall participate in the conservation, protection, constructive utilization, management and development of said forestlands.

SEC. 12. *Forestlands Under Management of other Agencies.* – Forestlands and/or portions thereof which administration and management have been assigned by law to other government agencies for specific purposes shall be respected; provided, that such agencies shall submit their respective management plans for review and concurrence by the Department for purposes of monitoring and visitorial powers.

Failure by these agencies to manage and develop said areas according to its desired purpose shall be reverted to the jurisdiction and control of the Department in accordance with an Act passed by the RLA.

SEC. 13. *Forest Resources in Other Lands.* – Trees naturally grown in private lands are owned by the State. The removal and harvesting of said trees shall be regulated in accordance with existing laws, rules and regulations.

Trees artificially grown in private lands belong to the planter who shall have the right to sell, contract, convey or dispose of the same without the necessity of any clearance from the Department: Provided, that such tree plantation shall have been registered with the Department.

In both instances, it is required that the removal or harvesting does not result to serious damages to the environment.

SEC. 14. *Adherence to Principles of Good Governance.* – This Act recognizes and adheres to the principles of good governance such as, but not limited to, transparency, accountability and participatory decision-making in the conservation, protection, constructive utilization, management, and development of forestlands.

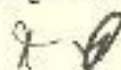
SEC. 15. *Decentralization of Some Powers and Authorities.* – To further strengthen the Department and capacitate its Provincial and Community Offices, the powers and authorities pertaining to forest management delegated by the central or national government to the Provincial Environment and Natural Resources Offices(PENROs) and Community Environment and Natural Resources Offices(CENROs) are hereby adopted and reiterated. The Secretary shall facilitate the immediate transfer of such powers and authorities to the concerned officials within three (3) months from the passage of this Act.

CHAPTER IV SUSTAINABLE FOREST MANAGEMENT

A. Management of Protection Forestlands

SEC. 16. *Ban on Commercial Logging in Protection Forests.* – Commercial logging activities in protection forests shall be banned. Protection forests shall include areas proclaimed by the central or national government as forest reserves, watershed reservations, those areas covered by R.A. No. 7586 (NIPAS Act), and those that the Department may identify and establish in the future. The management of these protected areas shall be in accordance with R.A. No. 7586 (NIPAS Act), and those that maybe provided by a Regional law.

SEC. 17. *Watershed Development.* In the development and protection of watersheds, the Department shall prioritize the immediate rehabilitation and development of critical watersheds and other degraded or denuded areas through the establishment of forestland cover, construction of gabions and other soil and water conservation measures based on the Forest Land Use Plan(FLUP) and watershed management plans of the area taking into consideration water supply for domestic, irrigation, power, industrial and commercial use; contribution to regional economy; biodiversity; effect on downstream areas and historical and cultural values. Industries that make use of forest and water resource in the ARMM shall be required to undertake watershed development programs. The MSU-Forest Resource and Environment Policy, Research and Governance Center shall, in coordination with the Department, other government agencies, local groups and



entities, develop a Watershed Information System to guide policy formulation, program development and implementation of watershed management projects and activities.

SEC. 18. *Promotion of Ecotourism within Protection Forestlands.* – Local Government units (LGUs), cultural communities, civil society organizations and private investors shall be encouraged to promote, develop and conserve sacred or cultural grounds, historical sites, botanical and zoological gardens or parks, and other eco-tourism facilities within their areas which shall receive the support of the Department and the Regional Government.

SEC. 19. *Other Allowable Activities within Protection Forestlands.* – Ecological and genetic services as well as biodiversity conservation and environmental enhancement activities are encouraged within protection forests. Other secondary uses such as research, bivouac, nature study, and such other uses compatible and consistent with the preceding Sections may be allowed.

SEC. 20. *Institutional Arrangement.* Consistent with the principle of co-management, the Department shall establish linkages with the central or national government and its instrumentalities, local government units (LGUS) and qualified NGOs/POs for the effective and efficient management of forest reserves and watershed reservations within protection forests.

B. Management of Production Forestlands

SEC. 21. *Conservation, Management and Development of Production Forestlands.* – Cognizant of the need to satisfy local demands for timber, rattan, bamboo and other forest products, production forests shall be conserved, managed, constructively utilized and developed in accordance with the principles of sustainable and multiple-use, *Khilafah* and *Amanah*

Utilization of timber and other minor forest products may be allowed in production forests subject to the modes of access as provided for in the Constitution, this Act, and other existing laws, rules and regulations.

SEC. 22. *Cancellation of Existing Timber License Agreements and Permits in the ARMM.* – Pursuant to Section 5 (d) Article 12, RA 9054 all existing and valid Timber licenses, contracts or agreements granted in the ARMM by the national or the regional government for the development, management and constructive utilization of forest resources prior to the enactment of this Act are hereby terminated. Provided, however, that such timber licenses, permits, agreements and contracts are reviewed and reissued by the Department subject to applicable laws and in accordance with this Act; Provided further that the such review and issuance of these instruments by the Department shall follow a process of transparent accountable and participatory decision making.

SEC. 23. *Other Allocation Rights and Tenure Instruments* – Existing tenurial instruments being implemented by the DENR shall be adopted. Local cultural practices pertaining to forest utilization, if any, shall be respected. In case of conflict, all

instruments that are consistent with the provisions of RA 9054 and this Act and other regional laws shall be upheld.

SEC. 24. *Exclusive Rights of ARMM Inhabitants.* In the exploration, protection, development, management and constructive utilization of forest resources within production forests, Muslims, cultural communities/indigenous peoples and settlers who are inhabitants of the Autonomous Region shall have exclusive rights over these resources as provided for in this Act.

Provided, however, that in the case of joint venture, production sharing or partnership such rights shall be allowed only in associations whose capital stock or shares are owned by at least a majority of inhabitants from the ARMM; Provided further, that such joint venture, production sharing or partnership arrangements shall establish, locate and maintain its main office and/or area of operations within ARMM.

C. Protection, Development and Rehabilitation of Forestlands as Priority Measure

SEC. 25. *Preparation of Comprehensive Forest Rehabilitation Program (CFRP).* – Pursuant to the mandate of Article XII, Section 14 of R.A. 9054 which calls for ensuring that at least fifty percent (50%) of the land surface of the Autonomous Region shall be covered with trees, the Department, within one (1) year from the passage of this Act, shall prepare a comprehensive forest rehabilitation program in the region with the active participation of key stakeholders in the Region.

SEC. 26. *Community Involvement as Forest Management Strategy.* – Forest communities, indigenous peoples/cultural communities whose lives, culture and general well-being are intimately linked with the forests, shall be involved and if applicable shall be entrusted with clear responsibilities and privileges relating to protect, manage, develop and constructively utilize forest resources under the Islamic principles of *khilafah* and *Amanah* or stewardship and trust. Pursuant thereto, the Autonomous Region hereby adopts Community-Based and Community Forest Management as principal strategies to achieve sustainable forest and forestland management.

SEC. 27. *Establishment of Forest Nurseries.* Pursuant to R.A. No. 9054 requiring immediate reforestation of at least fifty percent (50%) of the land surface of the Autonomous Region, the Department, the DILG and Local Government Units concerned shall jointly establish and maintain provincial, municipal, city and barangay forest nurseries where seedlings and/or wildings of Dipterocarp species, fruit-bearing tree species, fast growing leguminous nitrogen-fixing species and other indigenous tree species shall be raised. A special forest nursery fund shall be set aside by each Local Government Unit out of their respective twenty percent (20%) development fund. The Department shall provide technical assistance to the Local Government Units in establishing and maintaining said forest nurseries.

SEC. 28. *Establishment of City or Municipal Tree Parks or Communal Forest.* Every city or municipality shall establish a city or municipal tree park or communal forest and shall include in its yearly budget the necessary funds for its establishment and

maintenance. The Department shall provide technical assistance thereto upon request by a city or municipality concerned.

D. Forest Management in Alienable and Disposable Lands

SEC. 29. Reforestation in Alienable and Disposable Lands or Private Lands.

In accordance with the Islamic concept of *Ihya al-Mawat* where individuals or communities are required to utilize idle or uncultivated lands, reforestation or the establishment of tree farms or forest plantations in private lands shall be encouraged: Provided, That such private lands and other alienable and disposable lands are not prime agricultural lands as determined or certified to by the Department of Agriculture (DA). Consistent with the provisions of this Act, all trees and other forest products grown on private lands shall be considered agricultural crops belonging to the owner who shall have the right to sell, contract, convey, or dispose of the same in any manner he sees legitimately fit: Provided, That such private forest plantations are duly registered with the Department.

SEC. 30. Incentives. - To encourage qualified persons and investors to engage in forest development activities in the ARMM, the following incentives are provided under this Act:

- a. The agreement holder shall not be subjected to any obligation prescribed by or arising out of the provisions of the NIRC on withholding tax at source, for interest paid on loans incurred for the development of forest plantations;
- b. Amounts expended by the agreement holder in the development and operation of a forest plantation prior to the commercial harvest shall be regarded as ordinary and necessary expenses or as capital expenditure that can be depreciated over time;
- c. The Regional Board of Investments (RBOI) shall classify investments in forest development and forest-based industries as pioneer and preferred areas of investment under its annual priority plan in accordance with law;
- d. In addition to (a), (b), and (c) above, the following incentives shall also be provided:
 - 1.) No contracts, permits agreements, or tenure instruments shall be terminated except for cause or for reason of public interest and only after due process;
 - 2.) The agreement holder has the no right to transfer, contract, sell, or convey his rights to any qualified person or institution; however, the holder shall have the right to sell forest plantations, planting stocks or materials subject to guidelines issued by the Department.

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E. Management of Forest Lands Under Other Government Agencies

SEC. 31. *Activities in Accordance with Management Plan.* – Other government agencies and institutions having management control over forestlands shall develop these areas in accordance with their management plans which shall include rehabilitation of denuded and /or degraded portions of such forestlands and consistent with the principles of CBFM as stated in this Act.

SEC. 32. *Department Approval Prior to Forest Products Harvesting.* Harvesting of forest products within forestlands under other government agencies as provided for under Section 11 of this Act shall be consistent with approved management plan and shall not be done without prior approval of the Department in accordance with existing laws.

SEC. 33. *Regular Monitoring of Activities.* – The Department shall regularly monitor the activities of other government agencies reposed with the responsibility of managing forestlands within the Region consistent with the approved management plan.

CHAPTER V ENVIRONMENTAL IMPACT SYSTEM

SEC. 34. *Issuance of Environmental Impact Statement (EIS).* – *The Department shall review and determine all projects to be implemented in forestlands including harvesting, grazing and other special uses, mining in consonant with Section 70 of R.A. No. 7942, energy resource development, recreation and tourism development, road, infrastructure, and building construction, and other activities with perceived substantial disturbance to the environment that could be subjected to the Environmental Impact Statement System (P.D. No. 1586, as amended). The Department shall adopt DENR Administrative Order No. 96-37, Series of 1996 as basis in implementing the System and shall design a regional environmental monitoring and evaluation system.*

An Environmental Compliance Certificate (ECC) shall be required for environmentally critical projects in accordance with existing law: Provided, that the Department and/or the local government unit concerned shall immediately take the necessary steps to expropriate the property concerned or cancel or amend any title issued thereon under any of the following conditions:

- a. Failure of the owner, after due notice, to implement appropriate soil and water conservation;
- b. Failure of the owners to comply with Environmental Compliance Certificate(ECC) requirements;
- c. When the issuance of titles or other tenorial instruments over such areas was accomplished through fraud, deceit, misrepresentation or other anomalies; and

- d. When public interest so requires.

CHAPTER VI FOREST PROTECTION

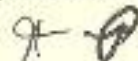
SEC. 35. Intensification of Forest Protection Activities. – Consistent with the *Shari'ah* doctrine and State policy on ecological balance, and pursuant to the sound principle of natural resources conservation for the enjoyment of the present and coming generations, the intensification of forest protection activities is hereby strengthened and reiterated. The Department shall require each tenure and agreement holders in forestlands, as part of its management plan, to submit forest protection plan as basis in joint enforcement and monitoring by the Department and the LGUs.

SEC. 36. Deputation of Forest Officers. – Consistent with the principle of '*Amr bi 'l-ma'ruf* and *nahi 'ani 'l-munkar* as defined in this Act and in order to establish a broad-based forest protection force, the Department may deputize as Forest Officers accredited NGOs, POs, Provincial, City, Municipal and other government officials including members of Municipal Forest Protection Councils, civilian volunteers, and officers and members of the Armed Forces of the Philippines, who shall be adequately trained in all phases of forest protection activities including making arrests and seizures and filing of charges in court against violators of forestry laws, rules and regulations.

The Department shall issue within six (6) months from the enactment of this Act the necessary guidelines for deputation.

SEC. 37. Creation of City or Municipal Forest Protection Councils. – There is hereby created in every town a City or Municipal Forest Protection Council to be organized and maintained by the LGU concerned. The Council members shall be appointed by the Local Chief Executive of the City/Municipality composed of the Local President of the Association Of Barangay Captains (ABCs), Chairman Of The Local Sangguniang Committee On Environment And Natural Resources, Philippine National Police (PNP), representatives of religious and traditional leaders, indigenous peoples, women organizations, non-government and peoples organizations, professionals, Local Sangguniang Kabataan President, and other sectors. The Local Chief Executive shall serve as Chairman of the Council. Their honoraria shall be determined and fixed by the Sangguniang Bayan in accordance with law. The Department shall issue the necessary guidelines for the formation and operation of the Multi-sectoral Forest Protection Committee(MFPCs).

SEC. 38. Assistance From Law Enforcement Agencies. – To effectively carry out forest protection activities and the ban on commercial logging as defined in this Act, the Department shall, in collaboration with DOJ, DILG/PNP, DND/AFP, NBI, Philippine Coast Guard and other law enforcement agencies, create a Special Forest Law Enforcement Unit (SFLEU). The Regional Government shall enter into an agreement with the Secretary of Justice for the designation of a permanent special prosecutor in



every city or province to immediately file charges against forest law violators and ensure speedy disposition thereof.

SEC. 39. Information and Reward System. The Department shall establish an information and reward system as part of the community's participation in the protection of forests and forest resources. The rewards shall be immediately payable upon the establishment of *prima facie* proof of violation. In cases where the information leads to the seizure and confiscation of illegal logs, timber, flitches, lumber and other forest products, and results in conviction, the informer shall be entitled to twenty percent (20%) of the proceeds of the seized illegal forest products disposed of through public auction which shall be payable within three (3) days after each payment by the winning bidder.

SEC. 40. Periodic Census and Monitoring of Forest Occupants. Pursuant to P.D. No. 705, otherwise known as the Revised Forestry Code of the Philippines, as amended, the Department shall, within six (6) months upon effectivity of this Act and every five (5) years thereafter. The Department in consultation with the concerned LGU may deputize Barangay Chairmen to conduct complete census of forest occupants and other residents in forestlands, showing their respective areas occupied and the resulting damages, or impairment of forest resources in coordination with the National Statistics Office, National Commission on Indigenous People, MSU-Forest Resource and Environment Policy, Research and Governance Center, the Local Government Units, and holder of tenurial instruments.

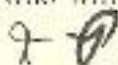
The Department shall monitor the entry of persons or individuals to the Autonomous Region's forestlands. It shall adopt applicable monitoring and evaluation schemes to further strengthen government efforts against forest destructions due to unregulated and uncontrolled human activities inside forestlands.

CHAPTER VII SUPPORT INSTITUTIONS

SEC. 41. Creation or Organization of Support Institutions. – The following support institutions are hereby created or organized to assist the Department:

- (a) The Regional Environmental Management Council (REMC);
- (b) Regional Forestry Adjudication Board (RFAB); and
- (c) MSU-Forest Resource and Environment Policy, Research and Governance Center (MSU-FREPRGC).

SEC. 42. The Regional Environmental Management Council (REMC); Composition; Functions. The Regional Environmental Management Council (REMC), shall be created in the Autonomous Region to assist the Department in the conservation, protection, constructive utilization, management, and development of the forestlands. The REMC shall be composed of the Regional Governor as chairman, and the Regional Secretaries of DENR as Co-Chairman. The Regional State Prosecutor, DILG, DPWH, DA, DOH, DepEd, and CHED as *ex-officio* members, Ulama and two (2) representatives of each of the component provinces and city, who will come from any of the following



sectors: indigenous peoples, government owned and controlled corporations, academe, military, civic organizations, media, religious, women, youth, farmers and fisher's groups, as members. In no case provincial representatives will come from the same sector. The term of office of the members of the REMC shall be three years.

The REMC shall perform the following functions:

1. To organize from among its members the *Waagf* Committee as provided for in this Act;
2. To serve as a forum of discussion and consultation on issues related to, and recommend, measures for, the conservation, protection, constructive utilization, management, and development of the forestlands and forest resources;
3. To review and prepare comments on all legislative and administrative issuances pertaining to forest resources and forest management matters before such are finalized;
4. To conduct periodic reviews of the status of forestlands, plans and programs in the region;
5. To mobilize the members' networks in support of forest protection and conservation advocacies and activities;
6. To conduct public education, information, and communication (EIC) campaigns against the adverse effect of forest destruction and other environmental degradation;
7. To assist the Department in the formulation of criteria in selecting and accrediting indigenous peoples communities or organizations, NGOs and POs;
8. To publicize the Council's discussions and findings unless such are confidential;
9. To submit quarterly accomplishment report and financial statement to the RLA;
10. To perform such other functions and activities as may be agreed upon by the Council in support of forest management activities.

The MSU-Forest Resource and Environment Policy, Research and Governance Center (MSU-FREPRGC) shall provide technical secretariat to the Regional Environmental Management Council (REMC).

SEC. 43. Regional Forestry Adjudication Board; Composition; Functions. – The Regional Forestry and Adjudication Board (RFAB) is hereby created to perform the

quasi-judicial power of the Department. The Board shall be composed of a Chairman and four (4) other members. The Chairman shall be a senior official of the Department with at least a rank of Director. The other four (4) members must come from the following sectors: Regional Association of Forestry Schools, Regional Forestry Association, representative from the indigenous peoples, and *Ulama* group learned in Islamic Law and Jurisprudence and the traditional leaders.

The Board shall have the following functions:

1. To promulgate summary rules of procedure taking into consideration *Shari'ah* principles, customary *adat* laws, and Philippine procedural law;
2. To determine and adjudicate all forestry matters arising from the implementation of this Act or the rules and regulations promulgated in relation thereof;
3. To hear and decide all cases, disputes and controversies brought before it through summary proceedings;
4. To summon witnesses, administer oaths, take testimonies, require submission of reports, compel the production of books and documents and answer to interrogatories, and issue subpoena and subpoena *duces tecum*, and to enforce writs and judgments through sheriffs or other deputized officers;
5. To punish by direct or indirect contempt in the same manner and subject to the same penalties as provided for in the Rules of Court;
6. Budget for the operations of the RFAB shall be included in the annual appropriations of the Department.

SEC. 44. *Regional-Forest Resource and Environment Policy, Research and Governance Center (Regional -FREPRGC); and Functions.* – Recognizing the mandate of the Mindanao State University under R.A. No. 1387, as amended, and as an independent and strategic academic institution in the Region, the University shall organize the Forest Resource and Environment Policy, Research, and Governance Center. The Center shall organized and established other Forest Resource And Environment, Policy, Research And Governance Center (FREPRGC) satellite offices in MSU campuses and other universities with similar concerns in the ARMM areas.

The Center shall perform the following duties and functions:

1. To serve as Secretariat to the REMC;
2. To prepare, within one year from the passage of this Act, a comprehensive regional forestry and environmental research and technology development and transfer program in furtherance of

sustainable forest management which shall be implemented, monitored, and reviewed in accordance with existing research management systems;

3. To serve as a repository of all documents related to conservation, protection, constructive utilization, management, and development of forest resources;
4. To serve as research and training arm of the Department for the conservation, protection, constructive utilization, management and development of forest resources;
5. To assist sourcing of funds for the *waaf*, and seek donations and funding grants for its programs and activities;
6. To submit annual accomplishment report and financial statement to the Regional Legislative Assembly, Office Of The Regional Governor and DENR-ARMM.
7. To develop a Watershed Information System to guide formulation, program development, and implementation of watershed management projects;
8. To provide inputs for and negotiate multi-lateral or international agreements on environmental and related concerns;
9. To perform such other duties and functions as may be delegated to it by the REMC;

SEC. 45. *Strengthening and Institutionalization of DENR National – DENR ARMM Collaboration.* – The Department shall established institutional collaboration with the DENR National for the complete devolution of powers, functions, and responsibilities currently retained by the latter, and for the extension of technical support and financial assistance for capability-building and manpower development. In areas where the management and control thereof are retained by DENR National appropriate arrangements shall be pursued through Memoranda of Agreement clearly defining their respective roles.

CHAPTER VIII FOREST-BASED INDUSTRIES

SEC. 46. *Rationalization of Forest-based Industries.* – The Autonomous Region shall rationalize and strengthen the establishment, operation, development and monitoring of forest-based industries to assure the availability and sustainability of the Region's forest resources through constructive use and systematic replenishment and rehabilitation; increase the productivity of forest resources to meet the local demands for forest goods and services of a growing population; enhance the contribution of forest

resources for achieving regional socio-economic development; and promote equitable access to forest resources.

Such rationalization shall consider the productive capacity of the Region's remaining production forests vis-à-vis the number of processing plants as provided for in the succeeding Section.

SEC. 47. *Development of Forest-based Industries.* - The Department shall formulate the necessary guidelines for the promotion, development, establishment of forest-based industries in the region . It shall issue the necessary permits or licenses to qualified applicants, subject to the provisions of this Act, taking into consideration the type of forest industries, capacity of the mills, source of raw materials, distribution in the Region and social/cultural acceptability. Provided, however, that all established forest based-industries in the area shall pay the necessary tariff and taxes in ARMM wherein the said processing plants or mills for forest products is established.

SEC. 48. *Incentives for Forest-based Industries.* - In addition to incentives already provided under Section 29 of this Act and those provided for by existing law, the Department shall provide the following incentives in order to be more efficient, competitive and economically viable:

- a. All processing plants or mills shall be granted operating permits. Provided that permits for processing plants owned or operated by holders of forest management agreements or contracts shall be co-terminus with said agreements or contracts subject to compliance with the conditions of the agreements and existing applicable laws; and
- b. The Department shall promote and strengthen the linkages among corporate family-based and community-based industries.

The Department of Science and Technology (DOST-ARMM) shall assist in technology transfer for the improvement of wood-based products. The Department of Trade and Industries (DTI-ARMM) shall assist in the promotion and marketing of these products both in the domestic and international markets.

SEC. 49. *Export and Sale of Locally Produced Wood Products.* - Logs, lumber and other finished products from forest plantations shall be exported only under such guidelines as the Secretary may promulgate.

Logs derived from second growth forests of whatever species, cut, gathered, or removed from the local natural forest and raw or rough lumber manufactured thereof such logs shall not be exported. Only finished and semi-finished lumber products, wood manufactures, wood panels and other finished wood products from such logs may be exported; Provided, That foregoing paragraphs shall be subject to the provisions of Act No. 3572 and related laws.

SEC. 50. *Importation and Sale of Logs and other Forest and Wood Products.* - Logs, lumber and other forest and wood-based products may be imported to the Region subject to the authorization of the Regional Governor and to the tariff and duties under

P.D. No. 1464 as well as quarantine regulations. Any product manufactured or re-manufactured out of imported forest and wood materials shall be allowed to be sold in the domestic or international market: Provided: That logs and lumber grading rules and standards are strictly complied with.

CHAPTER IX FOREST CHARGES, FEES, AND RENTALS

SEC. 51. Fees and Rentals for the Utilization, Exploitation, Occupation, Possession of and Activities within Forestlands. – Subject to the approval of the RLA, the Department shall prescribe appropriate fees and rentals for the different kinds of utilization, exploitation, occupation, possession of, or activities within forestlands. Likewise, fees shall be collected for the filing and processing of application thereof as well as the issuance and renewal of licenses, permits, agreements, and other tenorial instruments consistent with the pertinent provisions of R.A. No. 9054.

SEC. 52. Forest Charges. – Forest charges shall be collected on forest products in accordance with existing national laws. However, the Department in coordination with the Center shall conduct studies geared toward the standardization of forest charges, fees, and rentals on forest products and utilization of forest resources which shall be enacted into a Regional law by the RLA.

SEC. 53. Charges on Firewood, Branches, and other Recoverable Wood Wastes of Timber. – Except for all mangrove species where cutting is banned, there shall be collected forest charges on each cubic meter of firewood, branches and other recoverable wood wastes of timber, such as timber ends, tops and stumps, cut or removed from forestlands for commercial purposes.

SEC. 54. Charges on Non-Wood Forest Products. – All other forest products which are not covered in the preceding Section shall be exempted from any or all forest charges, except rattans, gums and resins, beeswax, gutapercha, almaciga resin, orchids, nipa, bamboo, and other minor forest products which shall be charged based on existing laws.

SEC. 55. Indigenous Practices on Charges and Rentals. – Indigenous or traditional practices on the collection of forest charges and rentals may be allowed in community-managed forests, by virtue of and in accordance with their customary *adat* laws.

SEC. 56. Fees and Administrative Services Rendered by the Department. – Fees shall be collected for various services rendered by the Department in connection with its duties and responsibilities as may be requested by interested parties, including but not limited, to surveying, mapping, and other similar services: Provided, That administrative fees may be waived for services rendered to deserving indigenous peoples or local communities in the preparation of their management and reforestation plans.

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SEC. 57. Determination of Market Price of Forest Products. – The actual market price of forest products shall be justly determined annually by the Department upon the recommendation of the Center.

SEC. 58. Creation of Waqf. – A *Waqf* shall be created out of the following sources:

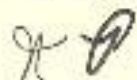
- a. Proceeds from sale of confiscated forest products;
- b. Private endowments, contributions, donations and bequest; and
- c. Foreign or local grants, aids or donations.

SEC. 59. Organization of Waqf – From the members of the Regional Environmental Management Council, five (5) members coming from the *Ulama*, indigenous peoples, professionals, traditional leaders, non-government organizations with one member from the Department, acting as Ex-officio member, shall be organized as *Waqf* Committee. The Chairman of the *Waqf* Committee shall be elected among themselves. The Committee shall set guidelines for the use, accounting, and auditing of *Waqf* funds as provided for in this Act. The Committee shall submit regular activity and financial reports to the RFMC.

CHAPTER X CRIMINAL OFFENSES AND PENALTIES

SEC. 60. Cutting, Gathering and/or Collecting Timber and other Products Without License. - Any person who shall cut, gather, collect, or remove timber or other forest products from any forestland, or timber from alienable or disposable public land or from private land whose title has no limitation on the disposition of forest products found therein, without any authority under a license agreement, lease, license or permit, shall be punished with the penalty imposed under Arts. 309 and 310 of the Revised Penal Code: Provided, That in the case of partnership, association or corporation, the officers who ordered the cutting, gathering, or collecting shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The Court shall further order the confiscation in favor of the government of the timber or forest products so cut, gathered, collected or removed, as well as the machinery, equipment, implements and tools used therein and the forfeiture of his improvements in the area: Provided, That the timber or forest products so cut, gathered, collected or removed from a license area shall be delivered to the licensee, lessee, or permittee in whose area the forest products were cut, gathered, collected or removed, free from claims of illegal cutter, but subject to the payment of the corresponding forest charges. Should the licensee refuse to accept the products, the same may be confiscated in favor of the government to be disposed in accordance with law, regulation or policy on the matter.



SEC. 61. Unlawful Occupation or Destruction of Forest Lands and Grazing Lands. - Any person who enters and occupies or possesses, or makes *kaingin* for his own private use or for others, any forestland and grazing land without authority under a license agreement, lease, license or permit, or in any manner destroys such forest land or grazing land or part thereof, or cause any damage to the timber stand and other products and forest growth found therein, or who assists, aids or abets any other person to do so, or sets fire, or negligently permits a fire to be set in any forest land or grazing land, or refuses to vacate the area when ordered to do so, shall be fined in an amount of not less than fifty thousand pesos (P50,000.00), nor more than two hundred thousand pesos (P200,000.00) and imprisoned for not less than six (6) years nor more than eight (8) years for each such offense, and be liable to the payment of ten (10) times the rental fees and other charges which would have accrued had the occupation and use of the land been authorized under a license agreement, lease, license or permit: Provided, That in the case of an offender found guilty of making *kaingin*, the penalty shall be imprisonment for not less than eight (8) nor more than twelve (12) years and a fine equal to fifteen (15) times the regular forest charges due on the forest products destroyed, without prejudice to the payment of the full cost of restoration of the occupied area as determined by the Department: Provided, Further, That the maximum of the penalty prescribed herein shall be imposed upon the offender who repeats the same offense and double the maximum of the penalty upon the offender who commits the same offense for the third time.

In all cases the Court shall further order the eviction of the offender from the land and the forfeiture to the government of all improvements made and all vehicles, domestic animals and equipment of any kind used in the commission of the offense. If not suitable for use by the Department, said vehicles, domestic animals, equipment and improvements shall be sold at public auction, the proceeds of which shall accrue to the *Waqf* or Trust Fund.

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

SEC. 62. Pasturing Livestock. - Imprisonment for not less than two (2) years nor more that four (4) years and a fine equal to ten (10) times the regular rentals due, in addition to the confiscation of such livestock and all improvement in the area in favor of the government, shall be imposed upon any person, who shall, without authority under a lease or permit, graze or cause to graze livestock in forest lands, grazing lands and alienable and disposable lands which have not as yet been disposed of in accordance with C.A. No. 141 (Public Land Act), as amended: Provided, That in case the offender is a corporation, partnership or association, the officers and directors thereof shall be liable.

SEC. 63. Illegal Occupation of NIPAS Areas and Vandalism Therein. - Any person who shall, without permit, occupy for any length of time any portion under R.A. No. 7586 (NIPAS Act), protection forests as provided herein and other areas that may be declared by law as protected areas, in any manner, cut, destroy, damage or remove timber or any species of vegetation or forest cover and other natural resources found therein, or shall mutilate, deface or destroy objects of natural beauty or of scenic value within areas in the national parks system, shall be fined not less than twenty thousand (P20,000.00)

pesos or more than one hundred thousand (P100,000.00) pesos exclusive of the value of the thing damaged: Provided, That if the area requires rehabilitation or restoration as determined by the Regional Secretary or his duly authorized representative, the offender shall also be required to rehabilitate or restore or compensate for the rehabilitation or restoration of the damage: Provided, Further, That any person who, without proper permit shall hunt, capture or kill any bird, fish or wild animal life within any area under R.A. No. 7586 (NIPAS Act), shall be subject to the same penalty: Provided, Finally, That the Court shall order eviction of the offender from the land and the forfeiture in favor of the Regional Government of all timber or any species of vegetation and other natural resources collected or removed, and any construction or improvement made thereon by the offender. If the offender is a corporation, partnership or association, the president, chief executive officer (CEO) or manager shall be directly responsible and liable for the act of his employees or laborers.

In the event that an official of a city or municipal government is primarily responsible for detecting and convicting the violator of the provisions of this Section, fifty per centum (50%) of the fine collected shall accrue to such city or municipality for the development of tree parks, city or municipal nurseries and communal forests.

SEC. 64. Punishable Acts and Applicable Penalties. - Any person who commits violation of any of the provisions of this Act, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral lands or domains shall be punished in accordance with the customary '*adat*' laws of any of the inhabitants concerned: Provided, That no such penalty shall be cruel, degrading or inhuman punishment: Provided, Further, That neither shall the death penalty or excessive fines be imposed.

Any person who violates this Section shall, upon conviction, be punished by imprisonment of not less than nine (9) months but not more than twelve (12) years or a fine of not less than one hundred thousand (P100,000.00) pesos nor more than five hundred thousand (P500,000) pesos or both such fine and imprisonment at the discretion of the Court. In addition, he shall be obliged to pay to the community concerned whatever damage that may have been suffered by the latter as a consequence of the unlawful act, in accordance with its customary '*adat*' laws.

SEC. 65. Persons Subject to Punishment. - If the offender is a juridical person, the officers such as, but not limited to, its president, chief executive officer (CEO), manager, or head of office responsible for their unlawful act, shall be criminally liable therefore, in addition to the cancellation of certificates of their registration and/or license: Provided, That if the offender is a public official, the penalty shall include perpetual disqualification to hold public office.

CHAPTER XI FUND SOURCING AND APPROPRIATION

SEC. 66. RSFMA Funds. - The department shall regularly allocate fund in the annual regional budget to carry out the programs, services, and activities envisioned in this Act.

The Regional Government shall also endeavor to secure funds from the following sources: Annual General Appropriations Act, Regional and Local shares from the national wealth, ten (10%) percent of Internal Revenue Allotments of Local Government Units (LGUs) as provided for in R.A. No. 9054, trust funds, endowments, donations, grants, aids, docket fees, charges, rentals, fines and fees, issuances of notes, debentures, and bonds.

SEC. 67. *General Appropriations.* - The annual national government support fund for the Department shall continue to be appropriated thereto. Upon the release of national government support fund the Office Of The Regional Governor shall immediately release the fund allocation for the Department in accordance with its approved program of activities.

CHAPTER XII ADMINISTRATIVE PROVISIONS

SEC. 68. *Authority of the Regional Secretary on the Utilization of Forest Resources.* - The constructive utilization of forest resources from production forestlands, alienable and disposable lands not yet awarded to individuals or entities, and all other lands, including ancestral domains or ancestral lands, or under the management of other government agencies, shall be prohibited unless covered by appropriate permits issued by the Regional Secretary.

SEC. 69. *Authority of Regional Secretary or His Representative to Order Confiscations and Impose Fines.* - In all cases of violations of this Act or other forest laws, rules and regulations, the Regional Secretary or his duly authorized representative may order the confiscation of forest products illegally harvested, extracted, possessed or transported, including tools, equipment, vehicle, and machinery used for such purpose, and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.

If the confiscated forest products are in danger of deteriorating, the Regional Secretary may order the same to be sold at public auction even before the termination of the judicial proceedings, with the proceeds kept deposited in bank as trust fund to await the outcome of the judicial proceedings.

Existing laws pertaining to the issuance of *writ of replevin*, restraining order, or preliminary mandatory injunction in cases involving or emanating from any action by the Regional Secretary or his duly authorized representative in the exercise of the foregoing authority shall govern.

In all cases of minor violation of this Act and other forest laws, rules, and regulations, the Regional Secretary shall be authorized to impose fines and penalties.

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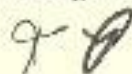
SEC. 70. Authority of Forest Officers. -When in the performance of their official duties, forest officers and government officials or employees duly authorized by the Regional Secretary shall have free entry into areas covered by a contract, agreement, license, lease or permit. Forest officers are authorized to inspect and to open closed vans suspected to contain illegally harvested, collected or transported forest product: Provided, That such are done in the presence of the shipper or consignee or two (2) responsible public officials in the locality. Forest officers are authorized to administer oath, take acknowledgement in official matters connected with the functions of their office, or take testimony in official investigations conducted under the authority of this Act and the implementing rules and regulations issued by the Regional Secretary pursuant thereof.

SEC. 71. Other Incentives. - Twenty percent (20%) of the value of confiscated materials shall be used as incentives to informants and members of multi-sectoral forest management councils, including Department personnel. Confiscated forest products may also be donated to LGUs and other government agencies for forest protection activities. They shall be entitled to free legal assistance should legal cases be filed against them in the performance of official duties.

SEC. 72. Citizens' Suit. - For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper court against: (a) any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; (b) the Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or (c) any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations, or abuses his authority in the performance of his duty, or in any manner, improperly performs his duties under this Act or its implementing rules and regulations: Provided, That no suit can be filed until after a thirty-day notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court, or the Board as the case maybe, may exempt such action from the payment of filing fees, except fees for actions not capable of pecuniary estimations, and shall, likewise, upon *prima facie* showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

SEC. 73. Protection to Witnesses in Violation of Forestry Laws. - Witnesses to violations of this Act or other forestry laws and regulations, including the immediate members of the family of said witnesses shall be given protection, security and benefit, subject to the provisions of R.A. No. 6981, otherwise known as "The Witness Protection, Security and Benefit Act" and its implementing rules and regulations.



SEC. 74. Adjudication of Cases. – All cases or suits filed in relation to violations of the provisions of this act shall be presented and heard by the forestry adjudication board. In the adjudication of cases, *Shari'ah* legal principles and customary '*adat*' laws of Muslims or Bangsamoro, IPs and Settlers shall be considered whenever appropriate. In case of conflict, that which is in consonance with the Philippine Constitution, the Organic Act and laws of national application shall prevail.

CHAPTER XIII PROVISIONS FOR IMPLEMENTATION

SEC. 75. Implementing Rules and Regulations. – Within six (6) months upon the approval of this Act, the Department in consultation with key stakeholders shall formulate, finalize and approve the appropriate Implementing Rules And Regulations (IRR) of this act and cause its official publication in two (2) papers of general circulation and two (2) newspapers of regional circulation.

SEC. 76. Oversight Functions Of The RLA – The RLA through the Committee Of Natural Resources And Ecology shall exercise oversight functions over implementation of the provisions of this act.

SEC. 77. Review of the Implementation of this Act. – The Regional Legislative Assembly, in close coordination with and technical support of the MSU-FREPRGC, shall undertake a mandatory review of the implementation of this Act once every three (3) years or as often as necessary.

CHAPTER XIV FINAL PROVISIONS

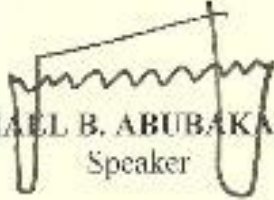
SEC. 78. Incorporation Clause. - All laws of national application pertaining to the conservation, protection, constructive utilization, management and development of forestlands that are not inconsistent with the provisions of this Act are hereby deemed incorporated herewith.

SEC. 79. Separability Clause. – Should any provision herein be declared unconstitutional, the same shall not affect the validity or legality of the other provisions.

SEC. 80. Repealing Clause. - Any regional law, administrative order, resolution, or ordinance inconsistent with the provisions of this Act is hereby repealed.

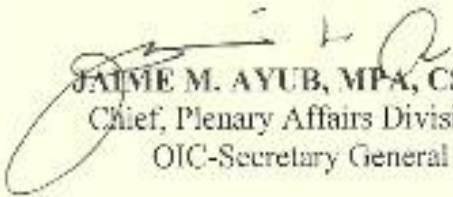
SEC. 81. Effectivity. – This Act shall take effect immediately upon its publication in at least two (2) newspapers of general circulation, and two (2) newspapers of regional circulation.

APPROVED



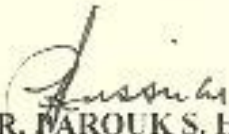
ISMAIL B. ABUBAKAR, JR.
Speaker

This Act was passed by the Regional Legislative Assembly on March 3, 2004.



JAIIME M. AYUB, MPA, CSEE
Chief, Plenary Affairs Division
OIC-Secretary General

APPROVED:



DR. MAROUK S. HUSSIN
Regional Governor
Date: May 17, 2004