

S. No. 3366
H. No. 6131

Republic of the Philippines
Congress of the Philippines

Metro Manila

Fifteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[REPUBLIC ACT NO. 10593]

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8048, ENTITLED "AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF COCONUT TREES, ITS REPLENISHMENT, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 4 of Republic Act No. 8048, also known as the "Coconut Preservation Act of 1995", is hereby amended to read as follows:

"SEC. 4. *Prohibition.* - No coconut tree shall be cut except in the following cases and only after a permit had been issued therefor:

"(a) When the tree is sixty (60) years old in the case of tall varieties, and at least forty (40) years old for dwarf varieties;

"(b) When the tree is no longer economically productive;

"(c) When the tree is severely disease-infested and beyond rehabilitation;

"(d) When the tree is severely damaged by typhoon or lightning;

"(e) When the agricultural land devoted to coconut production shall have been converted in accordance with law into residential, commercial or industrial areas;

"(f) When the land devoted to coconut production shall be converted into other agricultural uses or other agriculture-related activities in pursuance to a conversion duly applied for by the owner and approved by the proper authorities: *Provided*, That no conversion shall be allowed by the PCA until after it shall have been verified and certified that for a period of at least three (3) years the majority of the coconut trees have become senescent and economically unproductive or where the coconut farm is not adaptable to sound management practices on account of geographical location, topography, drainage and other conditions rendering the farm economically unproductive; and

"(g) When the tree would cause hazard to life and property.

"No other causes other than those abovementioned shall be considered as a valid ground for cutting."

SEC. 2. Section 5 of Republic Act No. 8048 is hereby amended to read as follows:

"SEC. 5. *Permit to Cut.* - No coconut tree or trees shall be cut unless a permit therefore, upon due application being made, has been issued by the PCA pursuant to Section 6 of this Act.

"The applicant shall pay an application fee in the amount of One hundred pesos (P100.00) for every tree intended to be cut payable to the PCA. Forty pesos (P40.00) of the fee shall accrue in favor of the PCA, Forty pesos (P40.00) in favor of the municipal government concerned, and Twenty pesos (P20.00) in favor of the barangay unit concerned. The fees allocated to the PCA shall be used for its replanting program and the fees allocated to the municipal/city government shall be used for the repair and rehabilitation of roads of the respective local government units which have been damaged by the continuous passage of heavy vehicles used for transporting coconut lumber.

"Fees herein collected shall be deposited with the nearest Land Bank of the Philippines branch or other government depository banks. Fees accruing to the local government unit shall be remitted within three (3) months in accordance with existing Commission on Audit (COA) rules and regulations.

"No permit to cut shall be granted unless the applicant has secured from the barangay captain of the locality where the cutting will be done, a certification under oath that he/she has already planted the equivalent number of coconut trees applied for to be cut.

"Such replanting, however, shall not apply to areas converted into industrial, commercial or residential sites or land transformed in accordance with law, into other agricultural purposes.

"The PCA, in coordination with the local government unit concerned, shall verify if a replanting was implemented and regulate and oversee the fertilization and care of the newly planted coconut trees. For this purpose, it shall be incumbent upon the PCA to conduct, from time to time, on-the-spot

inspections of the sites where the coconut trees have been planted.”

SEC. 3. A new Section 7 is hereby inserted after Section 6 of this Act, to read as follows:

“SEC. 7. *Police Powers.* – The PCA shall be vested with the authority to exercise duly delegated police powers for the proper performance of its functions and duties, to wit:

“(a) Investigate suspected violations of this Act;

“(b) Arrest and apprehend any person actually committing or attempting to commit an offense under this Act;

“(c) Arrest and apprehend possessor of coconut lumber without the necessary permit as required under this Act;

“(d) Search and seize a moving vehicle with illegally cut, gathered, collected or removed coconut lumber: *Provided*, That probable cause for the search is established;

“(e) Stop the transport and/or shipment of coconut lumber without authority or without legal documents in accordance with pertinent laws, regulations or policies on the matter;

“(f) Confiscate and forfeit in favor of the government the illegally cut, gathered, collected, removed, possessed or abandoned coconut lumber, as well as the machinery, equipment, implements and tools illegally used in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter; and

“(g) Seek the assistance of other law enforcement agencies for the efficient and effective implementation of this Act.”

SEC. 4. Section 7 of Republic Act No. 8048, hereby renumbered as Section 8, is hereby amended to read as follows:

“SEC. 8. *Implementing Rules.* – The Philippine Coconut Authority shall be the lead agency to implement the provisions of this Act. For this purpose, the Philippine Coconut Authority shall prescribe the necessary rules and regulations for the immediate and effective implementation of this Act.

“The PCA, in order to effectively implement the provisions of this Act, may request the assistance of any local government unit, to monitor and ensure compliance with this Act including its implementing rules and regulations. For this purpose, the PCA may deputize the Philippine National Police or other law enforcement agencies to investigate and apprehend those caught violating the provisions of this Act, including the confiscation of illegally cut coconut trees. In order to prevent wastage, the PCA shall order the immediate disposition of confiscated coconut lumber in a manner to be determined by the PCA.

“In addition to the foregoing, the PCA shall also, in coordination with the local government unit concerned, require the registration of all sawmills, lumberyards, coconut wood dealers and other persons or entities dealing in the processing and sawing of coconut trees.”

SEC. 5. Section 8 of Republic Act No. 8048, hereby renumbered as Section 9, is hereby amended to read as follows:

“SEC. 9. *Penalties.* – Those found guilty of violating this Act or any rules and regulations issued pursuant hereto shall, upon conviction, be punished by imprisonment of not less than two (2) years but not more than six (6) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court.

"If the offender is a corporation or a juridical entity, the official who ordered or allowed the commission of the offense shall be punished with the same penalty.

"If the offender is in the government service, he shall, in addition be dismissed from office.

"Upon verification by the PCA that no replanting was done, the barangay captain who issued the certification shall, upon conviction, be penalized with imprisonment of not less than three (3) years but not more than seven (7) years and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00). Furthermore, the barangay captain concerned shall be perpetually disqualified from holding any other public office."

SEC. 6. The succeeding sections are hereby renumbered accordingly.

SEC. 7. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

SEC. 8. *Repealing Clause.* - All laws, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 9. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days from its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

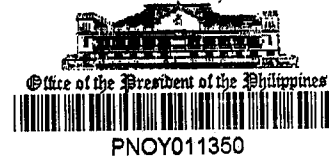
Feliciano Belmonte Jr. Juan Ponce Enrile
FELICIANO BELMONTE JR. JUAN PONCE ENRILE
Speaker of the House President of the Senate
of Representatives

This Act which is a consolidation of Senate Bill No. 3366 and House Bill No. 6131 was finally passed by the Senate and the House of Representatives on January 28, 2013 and January 30, 2013, respectively.

Marilyn B. Barca-Yap Edwin B. Belen
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Secretary General Acting Senate Secretary
House of Representatives

Approved:

BENIGNO S. AQUINO III
President of the Philippines



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Secretary General
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Edwin B. Belen
EDWIN B. BELLEN
Acting Senate Secretary

Approved: MAY 29 2013

Benigno S. Aquino III
BENIGNO S. AQUINO III
President of the Philippines

