

A National Forest Policy for Philippines

by

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The Masbate incident and its lesson.— The incident looked very inconsequential at the start. But it set forth a chain reaction that fairly collapsed the forest protection system that had been abuilding in the Philippines during the last half century.

President Ramon Magsaysay was on an inspection tour, this time in the island-province of Masbate. His tour took him to the provincial jail. Here he saw six prisoners serving terms. The President asked why they were in jail, got the reply that they made kaiñgins in the forest. The President flared up, berated the forest officers who helped secure the conviction of the prisoners.

"Jailing these poor people for making kaiñgin! How else can they live?" he was reported to have said. On the spot he set the prisoners free.

This was in 1956. Since then the job of protecting the forest of the Philippines, never an easy task, became more difficult. The President of the Philippines had spoken; by his act he had set the official attitude. Prosecuting kaiñgineros ran counter to the "land for the landless" policy.

Forest officers were aghast, could not believe that the very Chief Executive whom they looked up to uphold the laws of the land would be the very one to tolerate violation of these laws. The kaiñgineros all over the land rejoiced, grew defiant, literally thumbed their noses at the forest agencies. Before long the forestry officers found it almost impossible to prosecute kaiñgineros.

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Even provincial fiscals and judges soon became indifferent to handling forest destruction cases. Local politicians, coddling their rural constituents, made the situation worse. All over the country the restraint on the kaiñgineros fell apart and widespread forest destruction went on, the upsurge. Forest reserves, national parks, any public forest became prime targets for kaiñgin-making. The unwritten policy of previous administrations over the years to give utmost protection to the public forests was shattered in one blow by a well-intentioned president.

Firmness of forest policy paramount.— Perhaps in no other natural resource is continuity and firmness of policy more needed than in the case of the forests. A forest is a dynamic, living property, existing through generations of man, with each generation capable of enhancing it or despoiling it. Every generation has a stake in this forest property in terms of its rights to the benefits and services of the forest and such stake must be protected with a firm, continuing policy that would hold from one generation to the next one, the said policy guiding each generation as it takes its turn at custodianship of the forest property.

Otherwise, through the known frailties of human nature and the exigencies that may beset a particular generation, the basic safeguards might be let down and the dissipation of the property may follow. In such an eventuality, this will not only deprive the next generations of their rights to enjoy the forest resources but will also leave them the burden of repairing the damage done.

The history of the handling of the Philippine forest property has shown a very discouraging trend. Policies, or what pass for policies, are very fluid, often depending on the whims of whoever happened to be in power. A few examples will suffice.

Take the case of the major task of the Bureau of Forestry of classifying lands of the public domain. This is done to determine what lands are better adapted and more valuable for agriculture than for forest purposes. There are criteria for deciding what lands are to be declared alienable and disposable and what lands are required by public interests to be kept under forest. These have never been firm.

For instance, there had been worked out the so-called 42-58 policy on soil cover balance; that is to say, the Bureau of Forestry stood committed to maintaining at least 42% of the total land area of the country in forests and eventually having 58% for agricultural and other uses. Accordingly, the target forest area for each province has been fixed—some less than 42% for provinces relatively level and agricultural, some above 42% for provinces which are relatively rugged or mountainous. This objective has never been put in the form of a solid, stable policy. There never has been a consistent effort to adhere to this goal. What is the result? There are now gross and alarming land imbalances in many provinces which will be hard, perhaps now impossible, to correct.

Take the matter of granting licenses for the utilization of timber and other forest products. Here a firm policy is most essential as there is involved not only capital investments but also the factor of a long range management of the forest on sustained yield basis. Among others, until now there is no set policy as to the optimum size of concessions. For one thing, this has resulted into fragmentation of forest holdings into units both uneconomical as a business and difficult to handle for sustained yield management. One set of officials could be for larger-sized

areas, the next could undo this. Corollary to this are the very fluid policy on bidding or negotiating for the grant of licenses, the duration of the licenses themselves, the granting of allowable cuts, etcetera. Where there should be some sort of firmness and continuity, there have been disconcertingly frequent changes, oftentimes as often as a new set of officials take over.

Likewise, policies if there are any, on reforestation, special land uses, forest taxes and fees and many others are wanting not only in clarity but also on assurance of continuity. This holds true to policies or lack of policies, on incentives to promote the wood-processing industries.

Urgency of need.— Now more than ever is the need of guarantees that the caprices of political administrations and popular leaders would not lead to the misuse or mishandling of the forest property. There is the ever present danger that an administration in its desire to serve what it thinks may be the best interests of its time may in the few years of its stewardship sacrifice the long run objectives of forestry, or start trends that would be hard to correct—as was the Masbate incident in 1956. A forest policy, if there is one, would serve a bar to this.

It is not to be inferred, however, that a forest policy is a static one. It is not so. Laws, and even constitutions, can be amended. It follows that forest policies can be modified. Since this is so, one may ask, where do the safeguards come in?

What can happen, and what had already happened in older countries well-advanced in handling their forests, is that the logic and benefits of a policy tested by time and marked by acts of forbearance of previous administrations—or generations—have kept those coming after them to abide by the policy, and have even inspired them to improve on their predecessors.

It is unfortunate that many countries in the world over most often come to realize the importance of taking good care of their forests when abuses have already reached alarming proportions. Oftentimes, this realization comes too late or after much harm has been done as to make reparations laborious and expensive. How easier it would have been if people could have the sense to profit from the experience of those of some older countries!

There are profuse object lessons to go by. On one extreme are the countries and civilizations of the past which neglected to look properly after their forest resources — Persia, Babylon, China, Jordan, India, Mexico, Spain — and as a consequence are now paying for their neglect in the form of land resource difficulties and the huge costs reparations. On the other hand, we have the examples of Sweden, France, Germany, Japan, etc. which practiced forestry in time — and as a result their forests are fountains of industries and prosperity. Very easily, the younger countries could learn from the experiences of these countries.

Forest conservation in the Philippines is waging an uphill struggle against various pressures. For instances, there is the ever-increasing clamor for agricultural lands. By all means, this legitimate desire of the people should be given the solution that it deserves. But this should be done under a policy that will make available to the landless lands that will be of permanent benefits to them and not any kind of land they fancy on. There are lands which by reason of topography, soil condition and national interests are better suited for purposes other than for settlement and agriculture.

National park areas which by reason of their aesthetic, educational, scenic or historical values must be spared. And so are the protection forests on which we depend to keep the soil on our uplands and hold the water for our irrigation, waterworks and hydro-electric systems. And above all, we

have to maintain by all means the irreducible minimum of timberlands which will produce for us the wood we need — and which if we do not watch out, we might even have to import.

A situation, however, has been reached where it has become the thinking that anybody can enter and clear and till any forest lands. The experience has been that after a few crop year, the *kaiñgineros* have to abandon these lands when soil fertility runs out. Protected by political leaders and guided by shortsighted interests, *kaiñgineros* have been on the rampage. The result is our more than five million hectares of waste barren lands — an economic blight we are trying to make amends by costly reforestation.

And certainly, the time is fast approaching when there would not be any more agricultural lands to distribute. The national policy must make it certain that we must adhere strictly to an irreducible minimum of forest lands. And after this is reached, statesmanship and foresight must prevail. Not one more square inch of forest lands needs be sacrificed or let out any further. Otherwise disaster will not be too far away.

What a forest policy is. — A forest policy is a declaration of the objectives of a people in the handling of their forest resources and of the means of carrying them out. In much the same way that a proprietor determines how his property is to be handled or to what use it should be put, the people of a country could adopt a policy statement stipulating how their forests are to be managed, how their products and services are to be made use of, and what safeguards are to be taken to protect the forests from neglect or abuse. Thus, some countries have formal national forest policies. These are adopted through legislative processes or through executive decrees. Others have no such formal policies but the national intents are reflected in scattered legislation on forests and forest lands or on allied resources, such as land, mineral, and waters. Some countries have

none of either of these but they have merely followed unwritten practices that have become part of the national thinking and, therefore, have passed for and have been accepted as national policies.

In general, any national forest policy aims at a rational management of the forest resources on the principle of the greatest good to the greatest possible number of the people.

What passes for a Philippine forest policy. — Expressions or indications of the forest policy or policies of the Philippines are not found in a single document. Some are expressed in scattered pieces of legislation, some in judicial decisions and in opinions of the Department of Justice; the greater bulk, however, are still not in the form of laws, but are merely in administrative orders, executive pronouncements, and even in forestry circulars.

For one, the Constitution of the Philippines enunciates the policy of State ownership of timberlands and as to who are entitled to participate in their use. The pertinent portion of the Constitution reads as follows:

“ARTICLE XIII. — CONSERVATION
AND UTILIZATION OF NATURAL
RESOURCES

“Sec. 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, subject to any existing right, grant, lease or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be

granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water supply, in which cases beneficial use may be the measure and the limit of the grant.”

The Constitution, as is expected of constitutions, provides only the basic concept but does not cover policy details.

Another source of policy expression is the Revised Administrative Code (Act 2711) which lifts almost verbatim some provisions in the Forest Act of 1904. Two sections of this Code, among others, are cited hereunder:

“Section 1824. *Principle governing administration of forests.* — The public forest of the (Philippine Islands) Philippines shall be held and administered for the protection of the public interest, the utility and safety of the forests, and the perpetuation thereof in productive condition by wise use; and it is the purpose of this chapter to provide for the same.”

“Section 1825. — *Extent of public rights in forests and forest products.* — No prescriptive right to the use, possession, or enjoyment of any forest products, but any permanent concession, continuing right, privilege or easement of any kind whatever upon or within the public forests and respecting the products thereof, shall accrue or be granted otherwise than in conformity with the provisions of this law, and except as especially provided, all such forests shall be and remain open to the people of the (Philippine Islands) Philippines for all lawful purposes.”

More recently also, another policy milestone came about with the amendment of Section 1826 of the Code. It used to be quite easy to slice off portions of forest reserves. When pressed hard enough, the President of the Philippines, upon recommendation of the Director of Forestry and the Secretary of the Department, could reduce the area or even disestablish a forest reserve. Through an amending legislation passed in 1961, R.A. 3092 set the policy that

once a forest reserve is established, even the President, by himself, cannot reduce or dis-establish the area: He would need the concurrence of Congress to do so. Section 1826 as amended now reads as follows:

“Sec. 1826. *Regulation setting apart forest reserves, — permanency of same* — Upon the recommendation of the Director of Forestry, with the approval of the Department Head, the President of the Philippines shall set apart forest reserves which shall include denuded forest lands from the public lands and he shall by proclamation declare the establishment of such forest reserves and the boundaries thereof, and thereafter, such forest reserves shall not be entered, or otherwise disposed of, but shall remain indefinitely as such for forest uses.

The President of the Philippines may, in like manner upon the recommendation of the Director of Forestry, with the approval of the Department Head, by proclamation modify the boundaries of any such forest reserve to conform with subsequent precise survey but not to exclude any portion thereof except with the concurrence of Congress.”

Among other laws which, directly or by implication, express policies are R.A. 115 which commits the Government to the forestation and afforestation of watersheds, cogon and open lands; Act 3915 which establishes the system of national parks and the preservation of aesthetic and recreational areas; Act 2590 which provides for the setting aside of game refuges and bird sanctuaries; Section 1839 of Act 2711 establishing communal forests where residents of municipalities may gather timber free of charge.

Unstable policies. — While these laws, and others not here mentioned contain or indicate policies, they are not conveniently put together for easy guidance of all concerned. But a far serious observation is that there are expressions of policies found in less stable documents. Take the case of forestry administrative orders. Often these contain policy expressions. For instance, FAO 11-10, S-56, gives guiding principles in the dispo-

sition of forest areas for timber concession; FAO 11-11, S-56, fixes the maximum area that may be allowed under ordinary timber license without benefit of public bidding; FAO 23, S-54, initiates logging under sustained yield; FAO 11-13, S-58, presumably in pursuit of the industrialization program of the government established a policy of granting license agreements through negotiations.

Even some forestry circulars could contain policy statements. A close examination of these orders and circulars would show that often they are more than procedural regulations. What is being pointed out here is of course not the technicality of finding the policies in such orders and circulars, but rather the lack of stability in these forms of documents. Forestry administrative orders are issued by the Department Head upon recommendation of a director of forestry. Thus, a change in either secretaryship or directorship can bring about a change in policy. And frequently, this has happened. But obviously less firm are the forestry circulars. Issued only on the responsibility of a forestry director, such circulars can change as often as there are changes in directors.

Basic aims of a Philippine forest policy. — For the Philippines, as in fact for any country for that matter, the primary aims of a forest policy would be the following:¹

- 1) Ensuring an adequate area of land under forests to protect the climate and the soil and water resources;
- 2) Satisfying as far as possible the national wood requirements of the people, their industries and internal and foreign trade;
- 3) Providing for the best utilization of all lands in the general interest of the country; and
- 4) Removing all obstacles which stand in the way of a sustained yield management of the forest.

¹ Francois, T.: *Forest Policy, Law and Regulations*, (1950) FAO Forestry and Forest Products Studies.

To achieve these goals, the Food and Agriculture Organization (FAO) has furnished newly developing countries the following seven principles as a guide in the formulation and implementation of a forest policy:

1) Each country should determine and set aside areas to be dedicated to forest, whether at present forested or not. This should be done progressively, if necessary, but always in accord with the economic and social policy of the country, taking into account the close interdependence of all forms of land use.

2) Each country should apply the best practicable techniques in seeking to derive in perpetuity, for the greatest number of its people, the maximum benefits available from the protective, productive and accessory values of its forests. This implies that —

(a) protection should be afforded against damage or destruction by man, or by such causes as fire, insects and tree disease;

(b) production should be organized, in quantity and quality, with a view to obtaining at least a sustained yield as soon as practicable, giving consideration first to any protective role assigned to the forest and then to any other interests, whether worldwide, regional, national or local that the forest should serve. The country concerned must itself adjudge priorities, taking into account that a forest may be called upon to render multiple service, including offering recreational values, protection for wild life and a source of supply of many kinds of produce;

(c) economic and rational methods of forest exploitation and of conversion and utilization of forest products should be encouraged, so that the volume and variety of commodi-

ties obtained from the raw material furnished by the forest shall be increased to the maximum extent possible.

3) Adequate knowledge of all aspects of forest resources, forestry and the consumption and utilization of forest products, is indispensable. This includes, in varying degrees at the different stages of development of forest policy, a knowledge of the resources available on forested lands; of the national needs for forest products; of the natural laws that apply to forests; and of the techniques employed in the production of forest crops and the utilization of their products. To this end research should be organized and expanded to keep pace with all developments in the field concerned, and the application of the results obtained should be consistently encouraged.

4) Public consciousness of forest values should be developed by all means possible.

5) Forest law to give effect to the forest policy should be enacted in consonance with the judicial forms and customs of the country. Such legislation should be developed in keeping with the economic and social progress of the country and should in fact anticipate such progress.

6) A Forest Service should be established and staffed by suitably qualified personnel in all its grades to develop and implement forestry policy in collaboration with any suitable organizations which may exist, and to administer the forest law. Such a service should be formed on a permanent basis; it should be endowed with adequate authority and financial support, and should work in close association with other governmental agencies concerned. There should be an effective organization to deal with forest research, its coordination, and the dissemination of results.

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7) Adequate training should be provided for all concerned with the management of forests or the utilization and processing of forest products. In particular, foresters and allied technicians should be trained in sufficient numbers to staff public services and other interests concerned with forestry and forest products. For the higher grade personnel, such training should be provided at schools or university standard, established, to the extent that this is possible, in the country concerned. Subordinate personnel should receive suitable basic training to enable them effectively to fulfill their duties.

Formulation and adoption of the Philippine national forest policy.— There are various ways of formulating and adopting a national forest policy. The most convenient would be to have one formulated and then have it adopted by joint resolution of the Congress of the Philippines. Or, since there is as yet no NATIONAL FORESTRY CODE, it is possible to make the forest policy a sort of introduction or “preamble” to the code, and all the codal provisions should give substance to the policy statements.

In this connection, the urgency of the codification of the forest laws of the Philippines

has long been felt. Our various forestry laws are scattered in pieces of legislation and these have never been put together, nor have some of their inconsistencies been reconciled. It is really high time for all laws relating to the administration of the public forests, national parks, game sanctuaries, reforestation plantations, including the utilization and enjoyment of their products and services be codified. All previous attempts to do this—by Congress, forestry associations, trade groups, government agencies, planning units—had been half-hearted and desultory. Over the years the services of a number of foreign forestry experts had been engaged by the United Nations, the U.S. Agency for International Development (AID) to help out in our forest policy formulation but there is no adopted policy to show for all of these efforts.

Who will formulate the policy? Congress will eventually have to adopt it and it might just as well take the initiative in its formulation. The Committee on Forests of the House of Representatives could initiate this. The goal should be a National Forest Policy as an integral part of a National Forestry Code. It is believed that all the forestry agencies and associations would be more than willing to participate in so worthy an undertaking.

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