

# *Review On Post-War Forest Legislations*

By SEGUNDO P. FERNANDEZ

Forestry is a growing concern of the government and for this reason the Republic of the Philippines can not just relax in the wise conservation of its forest crops and the proper use of the public forest lands without sound legislation to protect them from being abused. Immediately during the second session of the First Congress and subsequently thereafter the following laws affecting forestry were enacted.

Republic Act No. 102, approved June 2, 1947 amended Section 2750 of Act 2711. It provides a penalty upon conviction a fine not exceeding Five Hundred Pesos or by imprisonment not to exceed one year or both to unauthorized persons who shall cut, make, manufacture, or have in his possession any government marking hatchet or other marking implements, or any mark, poster, or other device officially used by officers of the Bureau of Forestry for the marking or identification of timber or other forest products, or any duplicate, counterfeit, or imitation thereof, or who shall make or apply a Government mark to timber or any other forest product by means of any authentic or counterfeit Government marking hatchet implement, mark, poster, or other device, or who shall alter, deface, or remove Government marks or signs from trees, logs, stumps, firewood, or other forest products, or who shall destroy, deface, remove, or disfigure any such mark, sign, poster or warning notices set by the Bureau of Forestry to designate the boundaries of cutting areas, communal forest, communal pastures, classified timberland, forest reserve, national park, or who shall make any mark or sign herein indicated for the purpose of evading the forest law and regulations.

The amending Act designates specifically the places for which violation of the provisions of this Act is to be committed, unlike the amended Act which is very general in nature.

Republic Act No. 115, approved June 7, 1947, known as the "Reforestation Act", calls for under Section One additional ₱0.50 forest charges on each cubic meter of timber for the first and second groups, and ₱0.40 for the third and fourth groups cut out

and removed from any public forest for commercial purposes. The amount collected is to be expended by the Director of Forestry, with the approval of the Department Head for reforestation and afforestation of watersheds, denuded areas and cogen and open lands within forest reserves, communal forest, national parks, timberlands, sand dunes, and other public forest needing reforestation and afforestation or needing to be under forest cover for the growing of economic trees of timber, tannin, oils, gums and other minor forest products or medicinal plants, or for watersheds protection, or for prevention of erosion and floods and preparation of necessary plans and estimate of cost and for reconnaissance survey of public forest lands and for such other expenses as may be deemed necessary for the proper carrying out of the purposes of this Act.

All collections by virtue of, and pursuant to, the provisions aforementioned shall constitute a fund to be known as "Reforestation Fund" to be expended exclusively in carrying out the purposes provided for under this Act. All provincial or city treasurers and their deputies shall act as agents of the Director of Forestry for the collection of the revenue or income derived from the provisions of this Act.

Section 2 empowers the Director of Forestry with the approval of the Department Head, to promulgate the necessary rules and regulations to carry into effect the purposes of this Act.

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Consistent with the preceding section, the Director of Forestry issued the following supplemental regulations:

(1) Forestry Circular No. 7, dated June 30, 1947, Subject: "Collection for Reforestation Purposes in Accordance with Republic Act 115".

(2) Forestry Administrative Order No. 11, dated August 8, 1947, Subject: "Regulations Governing Collection and Disposition of Reforestation Funds."

(3) Forestry Administrative Order No. 11-1, dated December 6, 1947, Subject: "Amending Paragraph 8 of Forestry Administrative Order No. 11, dated August 8, 1947, Subject: "Regulations Governing Collection and Disposition of Reforestation Funds".

(4) Forestry Circular No. 17, dated September 2, 1947, Subject: "No additional charges under Republic Act No. 115 be collected on Forest Products Cut and Gathered from Private Woodlands".

(5) Forestry Circular No. 27, dated February 3, 1948, Subject: "Non-extension of the time for the payment of the additional charges (Reforestation Fund) prescribed in Republic Act No. 115".

(6) Forestry Administrative Order No. 11-2, dated August 16, 1949, Subject: "Amendments to Forestry Administrative Order No. 11, known as the "Regulations Governing Collection and Disposition of Reforestation Funds."

Section 3 of said Act requires the Director of Forestry, through the Department Head to submit annual report regarding the progress of the work under this Act and such other data necessary for the information of the President of the Philippines.

Section 4 provides a penalty of not less than ₱500 fine to any person, corporation, association or partnership who shall fail to pay upon demand the amount collectible under the provisions of this Act or of any rules and regulations promulgated thereunder and to pay, in addition thereto, a surcharge of 25% of the amount due. For failure to pay the amount due including fines and surcharges within 60 days after the same has become due and payable, the same shall be considered as sufficient cause for the cancellation of the license and the forfeiture of the corresponding bond deposit of the licensee concerned.

Republic Act Nos. 121, 122, 134, 151, 152 and 153 were simultaneously approved on June 14, 1947.

Section 1838 of Act 2711 as amended by Act 3820 and Commonwealth Act 100 is further amended by Republic Act No. 121 which provides that the Director of Forestry with the approval of the Department Head, lease or grant to any applicant authorized by law to acquire lands of the public domain, permits for the use of forest lands or vacant public lands not declared agricultural land, for a period not exceeding twenty-five years, for the establishment of sawmills, lumber yards, timber depots, logging camps, rights-of-way and plantations for the raising of nipa and/or other palms, bacauan, medicinal plants or trees of economic value, and for the construction of hotels, sanatoria, bathing establishment, residences, or camps, fishponds, saltworks, pastures for large or small cattle or for other lawful purposes for an area not to exceed twenty-four hectares, while the maximum area for pastures and plantations for the raising of medicinal plants or trees of economic value

shall not exceed two thousand hectares for fishponds, saltwork, nipa and/or other palms or bacauan plantations, and right-of-way.

Those without permit or lease occupying or using any part of the forest land or vacant public land not declared agricultural shall be liable to pay twice the regular rentals now or hereafter provided for such kind of use corresponding to such period that the area is illegally used or occupied. The holder of a permit or lease shall be liable to pay an additional forest charges from ten to one hundred per centum of the regular rental charges, now or hereafter provided for upon failure to pay the regular rental charges prescribed in the permit or lease

Republic Act No. 122 amended Act 3915 known as the National Park Law by inserting a new section to be known as Section 7-A and further amended Section 8 of the same.

Section 7-A provides that the Secretary of Agriculture and Natural Resources may designate in writing officers and employees of the Bureau of Forestry upon the recommendation of the Director of Forestry, in addition to the performance of their duties prescribed under the forest laws and regulations, act as peace officers within national parks to exercise police supervision, and may arrest a person found in any place within national Parks under suspicious circumstances as reasonably tending to commit or is about to commit any offense against the provisions of this Act or any other law or pertinent regulation.

"Any officer or employee of the Bureau of Forestry making arrest under the provisions of this Act shall, without necessary delay and within the time prescribed in the Revised Penal Code, take the person arrested to the proper court or judge to deal with according to law."

Section 8, as amended, provides the following: "Any person, association or corporation who shall violate any provision of this Act or regulations promulgated thereunder or shall without permit or license occupy any portion of the national parks, or shall in any manner destroy or damage the timber or other forest products or forest cover therein or shall mutilate, deface or destroy objects of natural beauty or of scenic value within the national parks, except as otherwise provided in this Act, shall be liable to a fine of four times the regular Government charges on the timber or other forest products so unlawfully destroyed, and in addition thereto suffer an imprisonment for not less than four months nor more than six months: Provided, That if the area is reforested or under reforestation, the Government may in addition to the penalties herein prescribed, recover in civil action double the actual damages sustained as determined by the value of the property destroyed and the detriment to the vegetation thereof: Provided, however, That any person who shall, without li-

cense or permit, hunt, capture, kill or attempt to take, capture, or kill, wilfully disturb or drive away any kind of birds, fish or animals within the national parks shall be subject to the penalties provided for under Act Numbered Twenty-Five Hundred and ninety, entitled "An Act for the protection of game and fish" as amended: Provided, further, That in case of a company or corporation, the president or manager shall be directly, responsible for the acts of his employees or laborers if it is proved that the latter acted with his knowledge; otherwise, the liability shall extend only as far as the fine is concerned: And provided, finally, That the Court shall, upon conviction, order the eviction of the offender from the land and that all timber or other forest products collected or removed or any construction or improvement made thereon by the offender shall be forfeited to the Government."

Republic Act o. 134 amended Commonwealth Act Nos. 108 except Sec. 3 of same and 421, known as the Anti-Dummy Laws.

Sections as amended and/or enforced read as follows:

"Section 1. In all cases in which any constitutional or legal provision requires Philippine or any other specific citizenship as a requisite for the exercise or enjoyment of a right, franchise or privilege, any citizen of the Philippines or of any other specific country who allows his name or citizenship to be used for the purpose of evading such provision, and any alien or foreigner profiting thereby shall be punished by imprisonment for not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise or privilege, which is enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos.

"The fact that the citizen of the Philippines or of any specific country charged with a violation of this Act had, at the time of the acquisition of his holdings in the corporations or associations referred to in section two of this Act, no real or personal property, credit or other assets the value of which shall at least be equivalent to said holdings, shall be evidence of a violation of this Act".

"Section 2. In all cases in which a constitutional or legal provision requires that, in order that a corporation or association may exercise or enjoy a right, franchise or privilege, and not less than a certain per centum of its capital must be owned by citizens of the Philippines or of any other specific country, it shall be unlawful to falsely simulate the existence of such minimum of stock or capital as owned by such citizens, for the purpose of evading said provision. The president or manager and directors or trustees of corporations or associations convicted of a violation of this section shall be punished by imprisonment of not less than the value of the right,

franchise or privilege, enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos."

"Section 2-A. Any person, corporation, or association which, having in its name or under its control, a right, franchise, privilege, property or business, the exercise or enjoyment of which is expressly reserved by the Constitution or the laws to citizens of the Philippines or of any other specific country, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, permits or allows the use, exploitation or enjoyment thereof by a person, corporation or association not possessing the requisites prescribed by the Constitution or the laws of the Philippines, or leases, or in any other way transfers or conveys said right, franchise, privilege, property or business to a person, corporation or association not otherwise qualified under the Constitution, or the provisions of the existing laws; or in any manner permits or allows any person, not possessing the qualifications required by the Constitution or existing laws to acquire, use, exploit or enjoy a right, franchise, privilege, property or business, the exercise and enjoyment of which are expressly reserved by the Constitution or existing laws to citizens of the Philippines or of any other specific country, to intervene in the management, operation, administration or control thereof, whether as an officer, employee or laborer therein, with or without remuneration except technical personnel whose employment may be specifically authorized by the President of the Philippines upon recommendation of the Department Head concerned, if any, and any person who knowingly aids, assists, or abets in the planning, consummation or perpetration of any of the acts herein above-enumerated shall be punished by imprisonment for not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise, or privilege enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos: Provided. That the president, managers, or persons in charge of corporations, associations, or partnerships violating the provisions of this section shall be criminally liable in lieu thereof: Provided, further, That any person, corporation or association shall, in addition to the penalty imposed herein, forfeit such right, franchise, privilege, and the property or business enjoyed or acquired in violation of the provisions of this Act".

Section 3 of Commonwealth Act 108 is still enforced and has not been repealed or amended by any provision of Republic Act No. 134. It provides for the dissolution of any corporation or association violating any provisions of the "Anti-Dummy Law" upon proper court proceedings.

Additional provision of the "Anti-Dummy Law" provided in Republic Act No. 134 known as Section

3-A awards a 25% of any fine imposed on the guilty party upon conviction shall accrue to the benefit of the informer who furnishes to the Government original information leading to said conviction and who shall be ascertained and named in the judgment of the court. If the informer is a dummy who shall voluntarily take the initiative of giving information to the proper authorities any violation of the provisions of this Act and assist in the prosecution, resulting in the conviction of any person or corporation profiting thereby or involved therein shall be exempted from penal liabilities provided for in this Act and shall receive the 25% of the actual fine paid to or received by the Government.

Republic Act No. 151, amended Sec. 263 of Commonwealth Act No. 466, The National Internal Revenue Code.

Sec. 263 as amended provides.—“Except as herein below provided all timber shall be measured and manifested in the round or squared, before being sawn or manufactured. The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log, the diameter of the log to be measured exclusive of the bark; but if the end of the log is irregular the average diameter shall be used; and in order to ascertain the volume of a log more than eight meters long, the diameter of the middle of said log, or the average of the diameters, at both ends thereof, shall be used as basis. If a log in the round cut under license, is measured and manifested by forest officers, the Director of Forestry shall make due allowance for rot, cavities, or other natural defects; but from any decision of the Director of Forestry in this respect, an appeal shall lie to his Department Head, whose decision shall be final. The manifest of timber cut by licensees operating sawmills in or near the forest shall be attested by forest officers whenever practicable.

The volume of squared timber shall be ascertained by multiplying the average of the cross section measured by the length, to which forty per centum shall be added for loss in squaring: Provided, however, That if squared timber cut under license is measured and manifested by forest officers, the Director of Forestry shall make due allowance for rot, cavities, or other natural defects; but from any decision of the Director of Forestry in this respect, an appeal shall lie to his Department Head, whose decision shall be final. The privilege of manifesting timber after squaring shall, however, be granted only to licensees who have squared their logs in the forests with the ax and intend to take it to the market in this form.

If sawn or otherwise manufactured timber is found which has not been manifested in accordance with the provisions hereof, the corresponding forest charges shall be assessed on twice the volume of the actual contents of such sawn or manufactured timber.

Republic Act No. 152 amended Sec. 1829 of Act 2711, the Revised Administrative Code. Its provision as amended provides: “Every private owner of land containing timber, firewood and other minor forest products shall register his title to the same with the Director of Forestry. A list of such owners, with a statement of the boundaries of their property, shall be furnished by said Director to the Collector of Internal Revenue, and the same shall be supplemented from time to time as occasion may require.

Upon application of the Director of Forestry the fiscal of the province in which any such land lies shall render assistance in the examination of the title thereof with a view to its registration in the Bureau of Forestry.”

Republic Act No. 153, amended Sec. 265 of Commonwealth Act No. 466 providing ₱0.40 per cubic meter charges in firewood cut in public forests and forest reserves on bacauan, langaray, pototan and tangal, and ₱0.20 per cubic meter on other woods.

Only third and fourth group woods can be taken for firewood. However, at the discretion of the Director of Forestry, first and second group woods may be removed for firewood purposes from land which is more valuable for agricultural than for forest purposes.

Republic Act No. 173, approved June 20, 1947, amended Sec. 266 of Commonwealth Act No. 466, relative to charges collectible on Forest Products gathered from unregistered private lands.

Sec. 266 as amended provides: “The charges above prescribed shall be collected on all forest products cut, gathered and removed from any private land the title to which is not registered with the Director of Forestry as required by the Forest Law: Provided, however, That in the absence of such registration, the owner who desire to cut, gather and remove timber and other forest products from such land shall secure a license from the Director of Forestry in accordance with the Forest Law and regulations. The cutting, gathering and removing of timber and other forest products from said private lands without license shall be considered as unlawful cutting, gathering and removing of forest products from public forests and shall be subject to the charges prescribed in such cases in this chapter.”

Act No. 2578 as amended by Act 3095, is hereby further amended by Republic Act No. 352, approved June 4, 1949 converting the “School of Forestry” of the University of the Philippines into the “College of Forestry” with the Director of Forestry as ex-officio Dean of the College, serving in such capacity without additional compensation and authorizing him to detail to the College of Forestry for part time such regular members of the Bureau of Forestry as may be necessary for the giving of instructions to the students of the College of Forestry.

On June 14, 1949, Republic Act Nos. 370 and 371 were approved. The former amended section 1821 of Act 2711 which dealt on the regrouping of trees.

"The first group shall include Akle, Akleng-parang, Almaciga, Aranga, Bakan, Balu, Bansalagin, Banuyo, Batikuling, Battinanan, Betis, Caña-fistula, Dañgula, Dao, Duñgon, Duñgon-late, Duyok-duyok, Ebony, Gisok, Guijo, Gisok-gisok, Ipil, Kaburo, Kalamansanai, Kalantas, Kaliot, Kamagon, Kulilisiau, Lanete, Magasulu, Malabuña, Malaguijo, Malakadios, Malakauayan, Mancono, Manggachapi, Marango, Margapali, Matang-usa, Molave, Narek, Narig, Narra, Sapluñfan, Sudiang, Supa, Tambulian, Teak, Tindalo, Urung and Yakal.

"The second group shall include Afu, Alupag, Alupag-amo, Amugis, Anubing, Apitong, Banaba, Bagras (Amamanit), Batino, Binggas, Bitanghol or Palomaria del monte, Bitao, Bolong-eta, Dagang, Hagahak, Kamatog, Kamuning, Katmon, Katmon-kalabau, Kayu-galu, kubi, Lanutan, Lumbayau, Lumbayabato, Makaanim, Malabatino, Malabayabas, Malakatomon, Malugai, Manggis, Mangkas, Mapilig, Marabitaog, Mayapis, Nato, Pagatpat, Palosapis, Pamitaoen, Panau, Piagau, Pili, Pine, Benguet, Philippine Chestnut, Red Luan, Sangilo, Taba, Tabau, Tabigi, Tamayuan, Tangile, Tanglin, Tiga, and Tukang-kalau.

"The third group shall include Agoho, Agoho del Monte, Almon, Amayan, Anislag, Antipolo, Bagtikan, Batete, Batukanag, Bayanti, Bayok, Bogo, Bulala, Bulog, Dalinsi, Gisihan, Gubas, Haras, Kaliñgag, Kalumpit, Kalunti, Kansulud, Kato, Kayatao, Kulingmanok, Lamio, Lago, Lamog, Lanipau, Luisin, Malasantal, Malatumbaga, Mata-mata, Miao, Nangka, Oak, Pahutan, Sakat, Salakin, Salinkugi, Sandit, Santol, Tanghas. Talisai. Talisai-gubat Taluto, Toog, Unik and White lauan.

"The fourth group shall include all species not included in any of the other groups.

"The Director of Forestry may in his discretion by public order or regulation and with the approval of the Department Head change the permanent grouping of any trees but no change in the grouping of a particular tree shall be made at greater frequency than at intervals of three years: Provided, however, that this period shall be computed from the date of the last order or regulation changing the grouping."

Forestry Administrative Order No. 12, dated September 29, 1949, was issued, Subject: "Amendments to Forestry Administrative Order No. 22, known as the "Revised Classification of Trees Into Groups."

The above Forestry Administrative Order was issued as General Circular No. V-71 of the Bureau of Internal Revenue superseding General Circular No. V-18 of said office dated August 14, 1946.

The new grouping of trees is used in the assessment and collection of forestry charges and surcharges on timber effective October 1, 1949.

Republic Act No. 371, a new forest law is allocating one half of all fines and surcharges collected for violations of Forest Laws and Regulations to accrue to the general fund of the National Government, and the other half, to the general fund of the city, municipality or municipal district where the violation was committed.

Republic Act No. 434, approved June 7, 1950, amended Sec. 267 of Commonwealth Act No. 466 which provides:

"Where forest products are unlawfully cut or gathered in any public forest without license or, if under license, in violation of the terms thereof, the charges on such products shall be increased by three hundred per centum. If forest products shall be removed without invoice, or upon removal shall be discharged without permit from boat, car, cart, or other means of transportation, the charges shall be increased by twenty-five per centum; and if in any case, the proper charges upon forest products are not paid within sixty days after the same shall be due and payable, such charges shall be increased by twenty-five per centum: Provided, however, That the Collector of Internal Revenue may, in meritorious cases, waive the surcharge of twenty-five per centum for discharging without permit or grant an extension of time not exceeding thirty days for the payment of the forest charges without surcharge."

The most recent law, approved on June 8, 1950, affecting forestry was Republic Act No. 460.

Under Sec. 1, permit is first secured from the Director of Forestry under such terms and conditions he may prescribe with the approval of the Department Head, provided, that said Director shall not issue such permit to one who is not a holder of timber license unless the Director of Forestry is satisfied as to the source of adequate supply of timber for the sawmill of such person, association or corporation.

Sec. 2 requires every applicant for a permit to operate a sawmill to file with the Director of Forestry a statement showing: (1) the name citizenship, and residence of owner or operator of the sawmill, or the name of the association or corporation as the case may be; (2) the description of the equipment used; (3) the cost or value of such equipment; and (4) the location of the sawmill.

Sec. 3 requires the applicant to post the permit issued in accordance with this Act in a conspicuous place within the premises of the establishment.

Sec. 4 authorizes the Director of Forestry with the approval of the Department Head to issue rules and regulations supplementing this Act including the annual fees for the permits to be granted thereunder, graduated on the basis of the output of the sawmills but not to exceed one thousand pesos for any permit.

In consonance with the above provisions, the Director of Forestry issued the following rules and regulations: (1) Forestry Circular No. 22, dated January 10, 1951, Subject: "Procedure to be followed in the enforcement of the provisions of RA No. 460.";

(2) Forestry Administrative Order No. 14, dated July 28, 1950, Subject: "Rules and Regulations Governing Sawmills."

Sec. 5 is a penal provision imposing a fine of not less than one thousand pesos and not more than ten thousand pesos to any applicant without the prescribed permit or which fails to display on its premises such permit or which shall violate any of the provisions of this Act and the rules and regulations issued thereunder.

Supplementing the post-war laws passed by Congress of the Philippines is Revenue Regulations No. V-6, dated November 28, 1950 amending Sec. 9 of Regulations No. 85, known as the Revised Internal Revenue Forest Products Regulations, dated December 28, 1934 authorizing both the Director of Forestry and the Collector of Internal Revenue to make a joint assessment of the market values of such products and to impose a charge of ten per centum on the same. The amendment lies on the increase on the assessment with the corresponding ten per centum forest charges.

This took effect upon its promulgation in January 1951 issue of the Official Gazette.

Among the important Commonwealth Acts affecting forestry still enforced at present are as follows:

Commonwealth Acts No. 13, prohibiting the hunting of tamaraws; No. 447, the kaingin law; No. 452, Administration of Pasture Lands amending Act 3388 and Sections 1817, 1839, 1841 of Act 2711; No. 491, amendment of Game and Fish Act; No. 560, Guaranties to prevent fraud in the sale of lumber; No. 646, the establishment of Cinchona Plantations in Public Forests Lands; and No. 720, compliance of terms contained in forest concessions.

#### CONSTITUTIONAL PROVISION

Under Section 1, Article XIII entitled "Conservation and Utilization of Natural Resources", of the Philippine Constitution provides as follows:

"All agricultural, timber, \* \* \* \*, 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 agri-

cultural lands, 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, \* \* \*."

#### ORDINANCE APPENDED TO THE CONSTITUTION

Notwithstanding the provisions of Section one, Article Thirteen, and section eight, Article fourteen, of the foregoing Constitution, during the effectivity of the Executive Agreement entered into by the President of the Philippines with the President of the United States on the fourth of July, nineteen hundred and forty-six, pursuant to the provisions of Commonwealth Act Numbered Seven hundred and thirty-three, but in no case to extend beyond the third of July, nineteen hundred and seventy-four, the disposition, exploitation, development, and utilization of all agricultural, timber, \* \* \*, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprises owned or controlled, directly or indirectly by citizens of the United States in the same manner as to, and under the same conditions imposed upon, citizens of the Philippines or corporations or associations owned or controlled by citizens of the Philippines.

*Compliments of*

**Martin Bacaron**

*Timber Licensee*

Dealer in logs (yakal, guijo  
& white lauan)

Concession located at Governor  
Generoso, Davao

Business Address—Agdao, Davao  
City