



HOUSE OF REPRESENTATIVES

H. No. 5133

BY REPRESENTATIVES AGBAYANI AND BANAAG, PER COMMITTEE REPORT
No. 1419

AN ACT PROVIDING FOR A COMPREHENSIVE SUSTAINABLE
FOREST MANAGEMENT FRAMEWORK FOR THE PROVINCE
OF NUEVA VIZCAYA AND FOR OTHER PURPOSES

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

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ARTICLE 1

GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known and cited as the
“Comprehensive Sustainable Forest Management Framework for the Province
of Nueva Vizcaya”.

SEC. 2. *Basic Policies.* – Consistent with the Constitution and national
policies, the State shall:

(a) Determine, by law, the specific limits of forestlands and national
parks, taking into consideration the conservation of biodiversity and other

1 ecosystem services while addressing the present and future needs of national
2 development;

3 (b) Promote local government autonomy in the management of natural
4 resources for conservation and development;

5 (c) Promote social justice in all aspects of development, especially in
6 providing livelihood opportunities for forest communities in exchange for the
7 obligation to protect and conserve natural resources; and

8 (d) Promote community-based resource management as the national
9 strategy for attaining sustainability in forestland and natural resources
10 management.

11 SEC. 3. *Objectives.* – This Act shall:

12 (a) Provide for the delineation and demarcation of forestlands in the
13 Province of Nueva Vizcaya as a component of the national process of
14 delineation and demarcation of forestlands and national parks;

15 (b) Clarify jurisdictions, roles and responsibilities of agencies involved
16 in the management of forestlands and natural resources found in the Province
17 of Nueva Vizcaya; and

18 (c) Institutionalize co-management as the framework for managing
19 forestlands in the Province of Nueva Vizcaya.

20 SEC. 4. *Use of Terms.* – As used in this Act:

21 (a) “Agro-forestry” refers to the sustainable management of forestland
22 to increase its overall production through the combination of agriculture crops,
23 tree crops and forest plants and/or animals simultaneously or sequentially, and
24 applying management practices which are compatible with the cultural patterns
25 of the local population.

1 (b) “Built-up area” refers to intensively used areas with much of the
2 land covered by buildings or other manmade structures. It includes cities,
3 towns, villages, strip developments along highways, transportation, power and
4 communication facilities, and areas occupied by malls, shopping centers,
5 industrial, commercial and residential complexes and institutions that may, in
6 some instances, be isolated from urban areas.

7 (c) “Co-management” refers to a management arrangement between the
8 Department of Environment and Natural Resources (DENR) and the Provincial
9 Government of Nueva Vizcaya over the forestlands and natural resources
10 therein within the Province of Nueva Vizcaya, under such terms and conditions
11 as provided for in Article 3 of this Act.

12 (d) “Community watershed areas” refers to forestlands set aside by the
13 Secretary of the DENR, upon the recommendation of the concerned local
14 government unit (LGU), as sources of water supply for specific local
15 communities subject to the condition that the utilization thereof shall be in
16 accordance with the principles of sustainable development.

17 (e) “Delineation” refers to the process of identifying the boundaries of
18 forestlands on the map, specifying the coordinates of each point.

19 (f) “Demarcation” refers to the process of installing markers on the
20 ground to indicate the boundaries of forestlands.

21 (g) “Department” refers to the Department of Environment and Natural
22 Resources.

23 (h) “Forest” refers to land with an area of more than 0.5 hectare with
24 tree crown (or equivalent stocking level) of more than ten percent (10%). The
25 trees should be able to reach a minimum height of five meters at maturity *in*
26 *situ*. It consists either of closed forest formations where trees of various

1 storeys and undergrowth cover a high proportion of the ground or open forest
2 formations with a continuous vegetation cover in which tree crown cover
3 exceeds ten percent (10%). Young natural stands and all plantations
4 established for forestry purposes, which have yet to reach a crown density of
5 more than ten percent (10%) or a tree height of five meters, are included under
6 forest. These are normally forming part of the forest area which are
7 temporarily unstocked as a result of human intervention or natural causes, but
8 which are expected to revert to forest. It includes forest nurseries and seed
9 orchards that constitute an integral part of the forest; forest roads, cleared
10 tracts, firebreaks and other small open areas; forest within protected areas;
11 windbreaks and shelter belts of trees with an area of more than 0.5 hectare and
12 width of more than twenty (20) meters; and plantation primarily used for
13 forestry purposes, including rubber wood plantations. It also includes bamboo,
14 palm and fern formations, except coconut and palm oil.

15 (i) "Forestlands" refers to a class of lands of the public domain marked
16 and designated as such, regardless of actual forest cover, and the boundaries of
17 which cannot be increased nor diminished except by law.

18 (j) "LGUs" refers to local government units, in particular to barangays,
19 municipalities and the Province of Nueva Vizcaya.

20 (k) "NIPAS" refers to the National Integrated Protected Areas System
21 established under Republic Act No. 7586.

22 (l) "Private right" refers to titled rights of ownership under existing
23 laws.

24 (m) "Province" refers to the Province of Nueva Vizcaya.

25 (n) "Titled property" refers to land that has been legitimately acquired
26 by the owner under existing laws as evidenced by a Certificate of Title,

1 Certificate of Ancestral Domain or Ancestral Land Title, or Certificate of Land
2 Ownership Award.

3 (o) "Secretary" refers to the Secretary of the Department of
4 Environment and Natural Resources.

5 (p) "Steering Committee" refers to the Co-management Steering
6 Committee on Forestland Management for the Province of Nueva Vizcaya
7 created pursuant to Section 10 of this Act.

8 ARTICLE 2

9 DETERMINATION OF SPECIFIC FOREST LIMITS

10 SEC. 5. *Delineation of Forestlands.* – The boundaries of forestlands
11 within the Province of Nueva Vizcaya are hereby delineated as described in the
12 following land classification (LC) maps, the original copies of which are under
13 the custody of the National Mapping and Resources Information Authority
14 (NAMRIA), to wit:

15 (a) L.C. Map No. 014; Project No. 12 (municipalities of Bagabag and
16 Solano; Certified: December 28, 1921;

17 (b) L.C. Map No. 202; Project Nos. 1, 2, 3, 4, 5 and 6; Certified:
18 December 28, 1923;

19 (c) L.C. Map No. 543; N.V. Project Nos. 1A, 2A, 3A, 4A, 5D, 6A, 7
20 and 8; Certified: June 29, 1955;

21 (d) L.C. Map No. 684; N.V. Project 2-B; Certified: August 30, 1927;

22 (e) L.C. Map No. 729; N.V. Project No. 1-C; Certified: June 14, 1928;

23 (f) L.C. Map No. 799; Mt. Province Project No. 5-NV Project 9;
24 Certified: February 7, 1929;

25 (g) L.C. Map No. 814; N.V. Project No. 1-D; Certified: June 29, 1929;

26 (h) L.C. Map No. 868; Project No. 6-B; Approved: January 10, 1931;

- 1 (i) L.C. Map No. 880; N.V. Project No. 2-C; Certified: April 11, 1931;
2 Approved: April 14, 1931;
- 3 (j) L.C. Map No. 896; N.V. Project No. 1-E; Certified: June 25, 1931;
4 Approved: July 1, 1931;
- 5 (k) L.C. Map No. 897; N.V. Project No. 5-C; Certified: July 7, 1931;
6 Approved: July 13, 1931;
- 7 (l) L.C. Map No. 898; N.V. Project No. 1-F; Certified: July 25, 1931;
8 Approved: August 3, 1931;
- 9 (m) L.C. Map No. 922; N.V. Project No. 10-A; Certified: November
10 17, 1931; Approved: December 5, 1931;
- 11 (n) L.C. Map No. 923; N.V. Project No. 2-D; Certified: December 7,
12 1931; Approved: December 15, 1931;
- 13 (o) L.C. Map No. 927; N.V. Project No. 2-E; Certified: February 2,
14 1932; Approved: February 8, 1932;
- 15 (p) L.C. Map No. 998; N.V. Project No. 8-A; Certified: March 29,
16 1933; Approved: April 3, 1933;
- 17 (q) L.C. Map. No. 1080; N.V. Project No. 1-G; Certified: March 8,
18 1934;
- 19 (r) L.C. Map No. 1112; N.V. Project No. 2-F; Approved: September
20 15, 1934;
- 21 (s) L.C. Map No. 1117; N.V. Project No. 4-C; Approved: October 25,
22 1934;
- 23 (t) L.C. Map No. 1137; N.V. Project No. 3-B; Approved: February 28,
24 1935;
- 25 (u) L.C. Map No. 1142; N.V. Project No. 2-C; Approved: April 4,
26 1935;

- 1 (v) L.C. Map No. 1168; N.V. Project No. 5-D; Approved: August 23,
2 1935;
- 3 (w) L.C. Map No. 1169; N.V. Project Nos. 4-D, 5-E and 11; Approved:
4 August 23, 1935;
- 5 (x) L.C. Map No. 1180; N.V. Project No. 2-H; Approved: September
6 2, 1935;
- 7 (y) L.C. Map No. 1189; N.V. Project Nos. 6-C and 5-F; Approved:
8 September 14, 1935;
- 9 (z) L.C. Map No. 1190; N.V. Project No. 7-A; Approved: September
10 20, 1935;
- 11 (aa) L.C. Map No. 1293; N.V. Project Nos. 1-J and 2-I; Approved:
12 July 16, 1936;
- 13 (bb) L.C. Map No. 1301; N.V. Project No. 8-B; Approved: March 9,
14 1937;
- 15 (cc) L.C. Map No. 1308; N.V. Project No. 5-G; Approved: August 9,
16 1937;
- 17 (dd) L.C. Map No. 1331; N.V. Project No. 4-F; Approved: January 7,
18 1939;
- 19 (ee) L.C. Map No. 1350; N.V. Project No. 1-H; Approved: August 9,
20 1939;
- 21 (ff) L.C. Map No. 0352; N.V. Project No. 5-H; Approved: August 16,
22 1939;
- 23 (gg) L.C. Map No. 1418; N.V. Project No. 10-C; Approved: February
24 8, 1941;
- 25 (hh) L.C. Map No. 1441; N.V. Project No. 5-I; Approved: April 14,
26 1941;

- 1 (ii) L.C. Map No. 1445; N.V. Project No.11-A; Approved: April 25,
2 1941;
- 3 (jj) L.C. Map No. 1447; N.V. Project No. 9-A; Approved: May 12,
4 1941;
- 5 (kk) L.C. Map No. 1448; N.V. Project No. 6-E; Approved: May 12,
6 1941;
- 7 (ll) L.C. Map No. 1662; N.V. Project No. 1-K; Approved: June 11,
8 1953;
- 9 (mm) L.C. Map No. 1790; N.V. Project No. 1-I; Approved: October
10 14, 1954;
- 11 (nn) L.C. Map No. 1800; N.V. Project No. 1-L; Approved: November
12 18, 1954;
- 13 (oo) L.C. Map No. 1835; N.V. Project No. 2-K; Approved: February
14 28, 1955;
- 15 (pp) L.C. Map No. 1903; N.V. Project No. 3-E; Approved: September
16 2, 1955;
- 17 (qq) L.C. Map No. 1974; N.V. Project No. 2-J; Approved: February
18 27, 1956;
- 19 (rr) L.C. Map No. 1985; N.V. Project Nos. 4-H, 6-F and 9-C;
20 Approved: March 27, 1956;
- 21 (ss) L.C. Map No. 2028; N.V. Project Nos. 4-G, 5-K and 6-D;
22 Approved: September 10, 1956;
- 23 (tt) L.C. Map No. 2074; N.V. Project Nos. 4-H, 5-L, 11-B and 16-B;
24 Approved: February 14, 1957;
- 25 (uu) L.C. Map No. 2203; N.V. Project No. 4-J; Approved: May 30,
26 1958;

1 (vv) L.C. Map No. 2342; N.V. Project Nos. 3-F, 10-F, 36-F and 5-M;
2 Subprovince of Aurora 36-H; Approved: January 27, 1960;

3 (ww) L.C. Map No. 2356; N.V. Project Nos. 1-N, 2-N, 14-E and 15-F;
4 Approved: August 23, 1960;

5 (xx) L.C. Map No. 2365; N.V. Project Nos. 4-M, 5-N, 6-H and 9-E;
6 Approved: August 23, 1960;

7 (yy) L.C. Map No. 2437;

8 (zz) L.C. Map No. 2559; N.V. Project No. 7-B; Approved: June 1,
9 1970;

10 (aaa) L.C. Map No. 2665; N.V. Project Nos. 11-E, 14-G, 15-G and
11 16-G; Approved: May 16, 1972;

12 (bbb) L.C. Map No. 2670; N.V. Project Nos. 4-N, 3-H, 11-O and 2-O;
13 Approved: January 28, 1974;

14 (ccc) L.C. Map No. 2790; N.V. Project No. 5-P; Subprovince of
15 Aurora Project No. 36-I; Approved: September 3, 1973;

16 (ddd) L.C. Map No. 3015 (per FAO No. 4-1668, March 15, 1982); and

17 (eee) L.C. Map No. 3090 (per FAO No. 4-1246, October 17, 1979).

18 *Provided, however,* That private rights within the delineated forestlands
19 already existing and/or vested upon effectivity of this Act shall be recognized
20 and respected.

21 The Steering Committee shall resolve, through an appropriate
22 proceeding, conflicts incidental to demarcation, where drawing a straight line
23 between points may result in the inclusion of titled properties located along the
24 boundary lines. Where the boundary of a titled property potentially within the
25 forestland is not more than two hundred fifty (250) meters from the forestland

1 boundary line, such titled property shall be excluded from forestlands without
2 further proceedings and marked accordingly.

3 If the titled property is more than two hundred fifty (250) meters inside
4 the delineated boundary points and it has been legitimately registered under
5 existing laws, such property shall likewise be excluded from forestlands,
6 without prejudice to the right of the State to expropriate the property when
7 necessary for conservation purposes.

8 SEC. 6. *Exclusion of Built-up Areas Within Forestlands.* – Within two
9 years from the effectivity of this Act, each municipality of the Province shall
10 determine and submit to the Steering Committee proposed built-up areas
11 within their respective jurisdiction for exclusion from the forest limits set
12 pursuant to Section 5 hereof. The Steering Committee shall compile the
13 proposed built-up areas of each municipality and submit to Congress proposals
14 for their release or exclusion in accordance with existing law.

15 SEC. 7. *Subclassification of Forestlands.* – Under the direction of the
16 Steering Committee and after due consultation with concerned local
17 government units (LGUs) and other stakeholders, the delineated forestlands
18 may be classified further into:

19 (a) Protection Forests – areas identified as critical for biodiversity
20 conservation and protection of environmental services. Protection forests
21 include critical watersheds and all components of the National Integrated
22 Protected Areas System (NIPAS). These areas are to be assessed, established
23 and managed in accordance with the NIPAS Act and subject to the provisions
24 of future laws establishing the specific protected areas; forestlands with a slope
25 of fifty percent (50%) and above; forestlands with elevation of one thousand
26 (1,000) meters or more above sea level; old growth forests; proclaimed

1 watersheds; forest reserves; game refuge and wildlife sanctuaries; and national
2 parks.

3 (b) Production Forests – areas designated for the production of wood,
4 other wood products and minor forest products from the remaining natural
5 forests, community or industrial plantations and agro-forestry. Production
6 forests include all other areas not subclassified as protection forests.

7 The classification of protection or production forests is primarily based
8 on intended use and not on ownership or title. In the interest of sound
9 environmental management, titled properties contiguous to or encompassed by
10 either protection or production forests are to be managed consistent with the
11 most appropriate use of the area. The Steering Committee shall, by regulation
12 or expropriation, ensure that activities in these titled properties are consistent
13 with the forest land-use plan (FLUP).

14 SEC. 8. *Forest Land-Use Plan (FLUP)*. – The Steering Committee
15 shall direct the preparation of a comprehensive FLUP for the province within
16 one year from the approval of this Act and in coordination with LGUs and
17 other stakeholders, to provide a rational, efficient and sustainable protection
18 and utilization of forestlands. The FLUP shall be consistent with accepted
19 forest land-use planning principles and procedures. The Steering Committee
20 shall also direct LGUs to prepare FLUPs for their respective areas or require
21 that a FLUP be made an integral component of each LGUs' comprehensive
22 land use and development plans consistent with the comprehensive FLUP of
23 the Province. All allocation of resources or resource use rights shall be
24 consistent with the comprehensive FLUP. The LGUs shall be primarily
25 responsible for implementing the FLUP in their respective areas: *Provided,*
26 That the Ancestral Domain Sustainable Development and Protection Plan of

1 the indigenous peoples in the Province and all plans of tenure holders shall be
2 consistent with the comprehensive FLUP.

3 ARTICLE 3

4 CO-MANAGEMENT FRAMEWORK

5 *SEC. 9. Concept of Co-management.* – The management of forestlands
6 and natural resources found therein shall be the joint responsibility of the
7 Department and the concerned LGUs of the Province, consistent with the
8 principles of local autonomy and subsidiarity. Under the co-management
9 principle, decisions on issues of allocation of resources and resource use rights,
10 management planning, implementation of management activities, enforcement
11 and the like are to be made jointly. All decisions are final and immediately
12 executory and enforceable, for as long as they are made in accordance with the
13 authority granted under this Act: *Provided, however,* That the Secretary may,
14 in an appropriate judicial proceeding, seek the nullification of any decision that
15 is patently rendered without authority. *The Secretary, through his*
16 *representative in the Steering Committee, shall exhaust all means for the*
17 *Committee to reconsider a decision made without authority before seeking*
18 *judicial intervention.*

19 *SEC. 10. The Co-management Steering Committee.* – There is hereby
20 established a Co-management Steering Committee on Forestland Management
21 for the Province of Nueva Vizcaya, which shall be the highest policy-making
22 and resource managing authority for forestlands and forest resources in the
23 Province. In the exercise of its functions, it shall be guided by the basic
24 policies stated in Section 2 hereof. The Committee shall be composed of the
25 following members:

1 (1) Regional Executive Director (Region II) of the Department or a
2 permanent representative designated by the Secretary, co-chair;

3 (2) Governor of the Province of Nueva Vizcaya, co-chair;

4 (3) President of the provincial league of municipalities or a designated
5 permanent representative, member;

6 (4) *President of the provincial liga ng mga barangay* or a designated
7 permanent representative, member;

8 (5) President of the federation of Community-Based Forest
9 Management Agreement (CBFMA) holders or a designated permanent
10 representative, member;

11 (6) Congressional representative of the Lone District of Nueva
12 Vizcaya, member;

13 (7) Representative from Timber Production Sharing Agreement
14 (TPSA) or Industrial Tree Farm Agreement (ITFA) holders or a designated
15 permanent representative, member;

16 (8) Representative from civil society groups with existing projects
17 relevant to sustainable forest management, member;

18 (9) Environment and natural resources officer of the Province of Nueva
19 Vizcaya, member; and

20 (10) Representative of indigenous peoples to be selected by the
21 indigenous peoples in the Province through a process designed by themselves,
22 member.

23 The secretariat of the Steering Committee shall be provided by the
24 Environment and Natural Resources Office (ENRO) of the Province:
25 *Provided, That the secretariat staff may be augmented by personnel from the*
26 Department or other LGUs.

1 The Steering Committee may convene technical working groups
2 (TWGs) composed of representatives from relevant national or local agencies
3 and affected stakeholders to study, discuss and make recommendations on
4 issues referred to the TWGs by the Steering Committee.

5 The Steering Committee shall prepare its own rules of procedure
6 including the mechanisms for selecting members from nongovernment sectors.
7 The Steering Committee shall convene formally not later than thirty (30) days
8 from the date of approval of this Act.

9 SEC. 11. *Functions of the Steering Committee.* – The Steering
10 Committee shall perform the following functions:

11 (a) Designate zones for allocation of use rights in production forests;

12 (b) Issue tenure instruments and resource use, cutting, harvesting and
13 transport permits consistent with the comprehensive FLUP;

14 (c) Issue the Certificate of Tree Ownership and Certificate of Usufruct
15 under the Tree Resources for Enterprise and Education for Legacy or “TREE
16 for Legacy” program;

17 (d) Direct the preparation of the comprehensive FLUP for the Province
18 of Nueva Vizcaya;

19 (e) Supervise the preparation of the FLUPs of the LGUs;

20 (f) Monitor and evaluate existing tenure instruments and other
21 agreements and issue cancellation, revocation or renewal order, whenever
22 necessary, after due public hearing;

23 (g) Issue rules and regulations to effectively carry out the provisions of
24 this Act; and

25 (h) Perform such other functions as may be necessary to implement this
26 Act.

1 SEC. 12. *Role of the Department.* -- The Department shall set the
2 overall targets for the management of forestlands in the Province, taking into
3 consideration the national interest and the framework for managing all
4 forestlands. It shall ensure that the provincial plan is harmonized with plans
5 for contiguous areas. It shall provide technical assistance to the Steering
6 Committee and the LGUs in the preparation of the FLUP, issuance of resource
7 use rights and enforcement, consistent with national policies.

8 SEC. 13. *Role of the Provincial Government.* -- The Provincial
9 Government of Nueva Vizcaya shall be the primary agency responsible for
10 providing logistical support for the preparation and implementation of the
11 FLUP, in cooperation with other LGUs and national agencies.

12 SEC. 14. *Role of the Municipal Governments.* -- The component
13 municipalities shall participate actively in the preparation of the
14 comprehensive FLUP for the Province, ensure that their respective FLUPs are
15 consistent with the comprehensive FLUP and lead the implementation of the
16 same in their respective areas. They shall lead in enforcement activities in
17 their respective jurisdictions and promote participation of local residents and
18 investors in the planning and implementation of management activities. All
19 component municipalities are directed to establish an ENRO in their respective
20 municipalities.

21 SEC. 15. *Role of the Barangays.* -- The component barangays shall
22 participate actively in the preparation of the comprehensive FLUP for the
23 Province and lead the implementation in their respective areas. They shall lead
24 in enforcement activities in their respective jurisdictions and promote
25 participation of local residents and investors in the planning and
26 implementation of management activities.

1 values. Industries that make use of forest and water resources in the Province
2 shall be required to undertake watershed development programs.

3 All community watersheds established in the Province shall be
4 co-managed by the Steering Committee consistent with the provisions of this
5 Act and the comprehensive FLUPs.

6 Any law to the contrary notwithstanding, within or outside of the
7 Province, all users of water that flows from the watersheds located in the
8 Province shall contribute to the conservation and protection of watersheds by
9 paying a reasonable fee. The water user's fee shall be set and imposed by the
10 Steering Committee after due public hearing. The fees collected shall be
11 retained by the Steering Committee under a special fund to be used exclusively
12 for the implementation of the FLUP of the Province.

13 *SEC. 20. Promotion of Eco-tourism and Other Compatible Activities in*
14 *Protection Forests.* – The Steering Committee, in coordination with the
15 Department of Tourism, and the Provincial Tourism Office of Nueva Vizcaya
16 shall identify areas in protection forests for tourism purposes and other
17 compatible activities and seek investors for the development of the identified
18 tourism areas. All tourism plans and activities shall be formulated and
19 implemented as integral parts of the comprehensive FLUP for the Province.

20 *SEC. 21. Management of Production Forests.* – Production forests
21 classified as such, pursuant to Section 6 hereof, shall be managed by the
22 Steering Committee consistent with the comprehensive FLUP. The Steering
23 Committee shall identify areas within production forests for the issuance of
24 tenure instruments subject to the provisions of Article 5 hereof. Technical
25 assistance to holders of tenure instruments in production forests shall be
26 provided by the Steering Committee through a TWG.

1 Private sector involvement in the management and utilization of
2 production forest shall also be encouraged and promoted through provision of
3 appropriate incentives.

4 SEC. 22. *TREE for Legacy Program.* – The Steering Committee shall
5 assume the functions of the Department and the Provincial Government of
6 Nueva Vizcaya under the “TREE for Legacy Program”, including the issuance
7 of certificates of tree ownership and usufruct.

8 ARTICLE 5

9 UTILIZATION OF FORESTLANDS AND FOREST RESOURCES

10 SEC. 23. *Designation of Zones for the Allocation of Use Rights.* –
11 Consistent with the comprehensive FLUP, the Steering Committee shall
12 designate zones in production forest for the issuance of the CBFMA, the TPSA
13 and the ITFA.

14 SEC. 24. *Community-Based Forest Management Agreement (CBFMA).*
15 – The Steering Committee shall allow CBFMA, both in protection forest and
16 production forest, subject to certain criteria and qualifications that shall be
17 formulated by the Steering Committee consistent with the comprehensive
18 FLUP. The holders of CBFMA may apportion or assign individual/family
19 residential or farm lots to members, subject to limitations contained in the
20 tenure instruments and the management prescription for the area.

21 All forest products harvested from forest plantations in production
22 forests established using government funds or plantations established by
23 former Timber License Agreement (TLA) holders shall be subjected to a
24 sharing agreement negotiated between the CBFMA holder and the Steering
25 Committee.

1 In the granting of a CBFMA, the Steering Committee shall give priority
2 to local residents, marginalized residents of the municipality where the forest is
3 located, marginalized residents of the Province and other Filipino citizens, in
4 that order.

5 The holders of CBFMA may enter into agreements with investors to
6 develop their area or products produced therein, subject to reasonable
7 limitations as may be issued by the Steering Committee.

8 SEC. 25. *Timber Production Sharing Agreement (TPSA)*. – A timber
9 production-sharing contract shall be entered into by and between the Steering
10 Committee and a qualified applicant wherein the Steering Committee grants to
11 the latter the exclusive right to develop, manage, protect and utilize a specified
12 area of forestland and forest resource therein for a period of twenty-five (25)
13 years and may be renewed for another twenty-five (25) year period, consistent
14 with the comprehensive FLUP and under which both parties shall share in its
15 produce: *Provided, however*, That a TPSA shall be allowed only in production
16 forestlands with existing natural stands and shall be granted only upon proper
17 bidding.

18 SEC. 26. *Industrial Tree Farm Agreement (ITFA)*. – The Steering
19 Committee may grant a lease for a period of twenty-five (25) years renewable
20 for another period not exceeding twenty-five (25) years for the establishment
21 of an industrial tree plantation or a tree farm to any person qualified to develop
22 and exploit natural resources over production forests with a minimum area of
23 one thousand (1,000) hectares for industrial tree plantation and one hundred
24 (100) hectares for tree farm: *Provided*, That in each case the size of the area
25 that may be granted under each category shall depend upon the capacity of the

1 lessee to develop or convert the area into productive condition within the term
2 of the lease.

3 Scattered areas of less than one hundred (100) hectares each may be
4 leased for the establishment of tree farms to different qualified persons upon a
5 showing that, if developed as an integrated unit, these areas can be
6 economically exploited: *Provided*, That it shall be a condition of the lease that
7 such persons organize themselves into a cooperative to ensure the orderly
8 management thereof.

9 The lease may be granted under such terms and conditions as the
10 Steering Committee may prescribe, taking into account among others, the raw
11 material needs of forest-based industries and the maintenance of a wholesome
12 ecological balance.

13 Reforestation projects of the government in the Province or portions
14 thereof which, upon field evaluation, are found to be more suitable for or can
15 be better developed as industrial tree plantations or tree farms in terms of
16 benefit to the government and the general surrounding area, may be the subject
17 of the lease under this section.

18 *SEC. 27. Special Forestland Use Agreements.* – Consistent with the
19 comprehensive FLUP, the Steering Committee shall approve a Special Forest
20 Land-use Agreement (SFLAg) authorizing any person to temporarily occupy,
21 manage and develop, in consideration of a government share, any forestland in
22 the Province for a specific use other than the production of timber and non-
23 timber resources, to undertake any authorized activity therein for a period of
24 twenty-five (25) years and renewable for the same period. The SFLAg shall
25 cover, among others, bodega/warehouse site, industrial processing site,
26 herbal/medicinal plantation, nipa plantation, communication station site,

1 landing site, log pond/log depot site, lumberyard, mineral storage, motor pool
2 site, plant nursery site, power station site and other similar facilities or
3 purposes. After the expiration or upon the non-renewal of the agreement, all
4 nonremovable or permanent improvements and structures in the area shall
5 accrue to the government.

6 The government share from the SFLAg shall be at least five percent
7 (5%) of the most recent zonal value of the nearest commercial zone of the
8 barangay/municipality/city or province whichever is higher. The government
9 share shall be paid within thirty (30) days upon issuance of the SFLAg and
10 annually thereafter within the same month that the SFLAg was issued. Failure
11 to pay the government share within the prescribed period shall be subject to
12 surcharges of eight and thirty-three hundredths percent (8.33%) monthly for
13 late payment or one hundred percent (100%) for one year.

14 The Steering Committee shall also execute bio-prospecting agreements
15 for bio-prospecting activities that shall be undertaken in the area subject to the
16 provisions of Republic Act No. 9147, otherwise known as the Wildlife
17 Resources Conservation and Protection Act, its implementing rules and
18 regulations, and other applicable laws.

19 *SEC. 28. Ecotourism Development Agreement.* – The Steering
20 Committee may allow ecotourism development activities upon the execution of
21 an ecotourism development agreement with any qualified person. Ecotourism
22 activities in protection forests shall be undertaken in accordance with Section
23 20 hereof.

24 *SEC. 29. Rattan Harvesting/Cutting.* – Rattan may be cut, gathered,
25 transported and disposed only through a license issued by the Steering
26 Committee in accordance with regulations consistent with the comprehensive

1 FLUP and upon payment of a reasonable fee. An original rattan cutting license
2 issued in consonance herewith shall have duration of not more than ten (10)
3 years, renewable only for a similar period at the option of the Steering
4 Committee.

5 SEC. 30. *Minor Forest Products.* – The collection of barks, resins,
6 wood oils and similar forest products shall be allowed only upon the issuance
7 of a permit issued by the Steering Committee subject to payment of a
8 reasonable fee.

9 SEC. 31. *Collection of Forest Charges.* – Within the Province of Nueva
10 Vizcaya, the Steering Committee shall exercise the authority of the Forest
11 Management Bureau to collect forest charges mandated pursuant to Republic
12 Act No. 7161 on each cubic meter of timber cut in forestland, whether
13 belonging to the first, second, third or fourth group, and on each cubic meter of
14 firewood cut in forestland, branches and other recoverable wood wastes of
15 timber such as timber ends, tops and stumps, when these are used as raw
16 materials for the manufacture of finished products: *Provided,* That only third
17 or fourth group wood can be taken for firewood: *Provided, however,* That the
18 Steering Committee may authorize the removal of first and second group
19 woods for firewood purposes from land which is more valuable for agricultural
20 than for forest purposes.

21 ARTICLE 6

22 SPECIAL PROVISIONS

23 SEC. 32. *Public Participation.* – The Steering Committee shall
24 encourage and promote public participation in the management of forestlands
25 of the Province.

1 (f) Failing or refusing to remit to the proper authorities forest charges
2 collectible pursuant to the provisions of this Act; or the rules and regulations
3 promulgated pursuant to this Act; or delaying or preventing the same, ordering,
4 causing or effecting the transfer or diversion of the funds for purposes other
5 than those specified in this Act.

6 SEC. 35. *Penalties.* – Unless otherwise provided herein, any person
7 who commits any of the prohibited acts provided in the immediately preceding
8 section or violates any of the provision of this Act or its implementing rules
9 and regulations shall be punished by imprisonment of not less than two years
10 and not more than four years or a fine of not less than Ten thousand pesos
11 (P10,000.00) nor more than Two hundred thousand pesos (P200,000.00), or
12 both, at the discretion of the court. The court shall further order the
13 confiscation in favor of the government of the timber or any forest products
14 cut, gathered, collected, removed or possessed, as well as the machinery,
15 equipment, implements and tools illegally used in the area where the timber or
16 forest products are found.

17 SEC. 36. *Administrative Sanctions Against Noncompliance with the*
18 *FLUPs.* – Local government officials concerned shall be subject to
19 administrative sanctions in case of failure to comply with their FLUPs in
20 accordance with the relevant provisions of Republic Act No. 7160 or the Local
21 Government Code of 1991.

22 ARTICLE 8

23 FINAL PROVISIONS

24 SEC. 37. *Implementing Rules and Regulations.* – Within six months
25 from the effectivity of this Act, the Steering Committee shall, after public
26 consultations, issue rules and regulations necessary to implement this Act.

1 SEC. 38. *Joint Congressional Oversight Committee.* – There is hereby
2 created a Joint Congressional Oversight Committee (JCOC) to monitor the
3 implementation of this Act and to review the implementing rules and
4 regulations promulgated by the Steering Committee. The JCOC shall be
5 composed of five senators and five representatives to be appointed by the
6 Senate President and the Speaker of the House of Representatives,
7 respectively. The JCOC shall be co-chaired by the Chairpersons of the
8 Committee on Environment of the Senate and the Committee on Natural
9 Resources of the House of Representatives.

10 SEC. 39. *Repealing Clause.* – The provisions of the Local Government
11 Code giving the Department supervision, control and review in the
12 enforcement by LGUs of environmental laws and limiting their jurisdiction,
13 and the provisions of Presidential Decree No. 1067 or the Water Code;
14 Presidential Decree No. 705, otherwise known as the Revised Forestry Code of
15 the Philippines, as amended; Republic Act No. 9275 or the Philippine Clean
16 Water Act of 2004, as well as all other laws, orders, issuances, rules and
17 regulations inconsistent with this Act are hereby superseded or modified as
18 they apply to the Province of Nueva Vizcaya.

19 SEC. 40. *Separability of Provisions.* – If any provision of this Act is
20 declared unconstitutional, the remainder shall remain in force and effect.

21 SEC. 41. *Effectivity.* – This Act shall take effect fifteen (15) days from
22 the date of its publication in the *Official Gazette* or in two newspapers of
23 general circulation in the Province of Nueva Vizcaya.

Approved,