



## HOUSE OF REPRESENTATIVES

H. No. 436

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BY REPRESENTATIVES BANAAG AND FUA

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AN ACT PROVIDING FOR A SYSTEM OF DISPOSITION OF SEIZED/CONFISCATED ILLEGALLY CUT, GATHERED, REMOVED AND POSSESSED LOGS, LUMBER, FLITCHES AND OTHER FOREST PRODUCTS AND FOR OTHER PURPOSES

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

1           SECTION 1. *Declaration of Policy.* – It is the policy of the State to  
2 make sound decisions with respect to the utilization and conservation of  
3 natural resources to prevent environmental degradation and sustain for this and  
4 succeeding generations the natural wealth of the nation and to ensure that the  
5 country’s natural resources are harnessed to their full potential.

6           SEC. 2. *Coverage.* – This Act shall apply to all seized/confiscated  
7 illegally cut, gathered, removed and possessed logs, lumber, flitches and other  
8 forest products not subject of a pending litigation in court; those whose  
9 claimants or offenders against whom a case could not be filed; or those found  
10 abandoned within forest areas or elsewhere.

1           SEC. 3. *Prohibition of Auctioning Seized/Confiscated Illegally Cut,*  
2 *Gathered, Removed or Possessed Logs, Lumber, Flitches and Other Forest*  
3 *Products.* – The public auction by the Department of Environment and Natural  
4 Resources (DENR), through the Natural Resources Development Corporation  
5 (NRDC), of seized/confiscated illegally cut, gathered, removed or possessed  
6 logs, lumber, flitches and other forest products is hereby prohibited.

7           SEC. 4. *Disposition and Use of Confiscated Forest Products.* – The  
8 DENR shall dispose and apportion the seized/confiscated illegally cut,  
9 gathered, removed and possessed logs, lumber, flitches and other forest  
10 products in the following manner:

11           (a) *Fifty percent (50%) of the total volume shall accrue, share and*  
12 *share alike, to the province, municipality or component city having jurisdiction*  
13 *over the area of origin of such products: Provided, however, That the whole*  
14 *fifty percent (50%) shall accrue to the independent city having jurisdiction*  
15 *over the area of origin;*

16           (b) *Twenty-five percent (25%) of the total volume shall accrue to the*  
17 *municipality or city where the forest products were seized/confiscated; and*

18           (c) *Twenty-five percent (25%) of the total volume shall be donated to*  
19 *neighboring provinces, cities or municipalities within the region which have no*  
20 *such resource.*

1            Said forest products shall be exclusively used by the recipient local  
2 government unit (LGU) in the following order of priority:

3            (1) For the use of state colleges and universities;

4            (2) For the use of other public schools;

5            (3) For socialized housing;

6            (4) For the construction and rehabilitation of provincial/city and  
7 municipal bridges; and

8            (5) For other infrastructure projects.

9            SEC. 5. *Effects of Violation.* – (a) Any public auction of these  
10 confiscated products made in violation hereof shall be null and void and all  
11 acts made pursuant thereto or any right or benefit derived or arising therefrom  
12 shall be without any force and effect.

13            (b) Any person violating this Act shall, upon conviction, be punished  
14 by a fine of not less than Ten thousand pesos (P10,000.00) nor more than One  
15 hundred thousand pesos (P100,000.00) or imprisonment from six months and  
16 one day to six years, or both such fine and imprisonment, at the discretion of  
17 the court.

18            (c) If the act or omission penalized by this Act be committed by an  
19 association, partnership, corporation or any other institution, its managing  
20 directors, partners, president, general manager or other persons responsible for

1 the commission of said act shall be liable for the penalties provided for in this  
2 Act.

3 (d) If the offender is a public officer or employee, he shall additionally  
4 be dismissed from the service with prejudice to reinstatement and shall be  
5 disqualified from holding any elective or appointive office.

6 SEC. 6. *Implementing Rules and Regulations.* – The DENR Secretary  
7 shall promulgate the necessary implementing rules and regulations and shall  
8 mobilize all available resources to assure the effective implementation of this  
9 Act.

10 SEC. 7. *Separability Clause.* – If, for any reason or reasons, any part or  
11 provision of this Act shall be held to be unconstitutional or invalid, the other  
12 parts or provisions hereof which are not affected thereby shall continue to be in  
13 full force and effect.

14 SEC. 8. *Repealing Clause.* – All laws, decrees, letters of instruction,  
15 executive orders, rules and regulations, and other issuances or parts thereof in  
16 conflict or inconsistent with this Act are hereby repealed or modified  
17 accordingly.

18 SEC. 9. *Effectivity.* – This Act shall take effect upon its approval.

Approved,