

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

[MUSLIM MINDANAO AUTONOMY ACT NO. 295]

Begun and held in Cotabato City, on Monday, the twenty-second day of October 2012.

**AN ACT FOR REFORESTATION FOR FUTURE GENERATION
PROGRAM IN THE ARMM, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES.**

Be it enacted by the Regional Legislative Assembly in session assembled:

SECTION 1. Title. This Act shall be known as the “Reforestation for Future Generation Act of 2013.”

SEC. 2. Declaration of Policies. Consistent with the constitutional precepts of promoting social justice in all phases of national development and advancing the right of the people to a balanced and healthful ecology, the State hereby adopts the following policies in relation to the conservation of forest and forest resources:

- (a) The State shall ensure equitable access and sharing of rights to natural resources development, management, protection and utilization by providing opportunities to the people to participate actively in forest resource development; and
- (b) The State recognizes the role of the local government units (LGUs), people’s organizations and the community in general as effective partners of the government in the implementation and management of community-based forestry projects and other forest development projects.

SEC. 3. Objectives. This Act aims to encourage the people of the ARMM together with the LGUs to act collectively to become responsible citizens in the management and maintenance of ecological balance in their respective communities.

Specifically, this Act aims to attain the following objectives:

- (a) To enhance people’s awareness in environment protection, conservation and restoration;
- (b) To encourage the participation of all sectors, LGUs, academe, civil society, among others in the reforestation program of the Autonomous Regional Government (ARG);
- (c) To regenerate the trees in watershed areas, protected forests and any available forestlands and eco-parks;

- (d) To accelerate the implementation of “Reforestation for Future Generation” program with all sectors working together complementing each and every effort of all concerned.

SEC. 4. Natural Forest Regeneration Mechanism. Secondary growth forest are allowed to regenerate naturally, only need to be protected from further encroachment by slash and burn farmers, illegal timber poaching and other destructive elements.

SEC. 5. Community-based forest rangers/tribal forest guards in IP areas. Community-based forest rangers/tribal forest guards in IP community will help in the monitoring the protected forest and the DENR will deputize them to apprehend violators to be turned over to the DENR CENRO, the Police, the LGU Bantay forest or any other authorize body. The deputized forest guards shall be provided with reasonable honorarium to perform their task and mandate honestly and responsibly. They will also be properly trained by the DENR in carrying out their respective mandate effectively.

SEC. 6. Definition of Terms – For the purpose of this Act, the following terms are hereby defined as follows:

1. Reforestation – refer to the process of planting new trees in areas where they have been removed by cutting or destroyed by fire and other cause of destruction.
2. Illegal Logging – refer to the harvesting, transporting, purchasing or selling of timber in violation of laws including using corrupt means to gain access to forests, extraction without permission or from a protected area; the cutting of protected species; or extraction of timber in excess of agreed limit.
3. Usufruct – is the right of enjoyment, enabling a holder to derive profit or benefit from property that either is titled to another person or which is held in common ownership as long as the property is not damaged or destroyed.
4. Ecosystem – is a community of living organisms such as plants, animals and microbes in conjunction with the non-living components of their environment such as things like air, water and mineral soils interaction as a system.
5. Plantation – refer to a long, artificially established forest, farm or estate where crops or trees are grown on a large scale often for commercial purpose.
6. Planters – refer to any individual who is implementing, placing propagating materials such as seeds or seedling into the ground, usually in rows. Scattering seed in all directions, by hand or by machine followed by harrowing to cover the seed with soil.
7. Grantee – is the recipient of the grant, a sum of money intended to fund a specific undertaking or the person who be taking title, as named in the legal document used to transfer the real estate.
8. Foresters – a person in charge of a forest or skilled in planting, managing, or caring for trees.
9. Area Manager – refers to any person who has designated or appointed with responsibility for the management of specific geographical area.

10. Forest Laws- referring to all laws that are dealing with forest.
11. Forest Product – refers to any material derived from the forest for commercial used such as lumber, paper or factory for livestock, wood as used in any industrial purposes such as finished structural material used for construction of building.
12. Forest Charges – refers to the payment of forest products from the public forest which shall include license, certification and permit for cutting and transportation.

SEC. 7. Areas Available for the “Reforestation for Future Generation (RFG)” program. The program shall cover watershed areas, protected forests, eco-parks, private lands and other lands to be identified as per recommendation of the DENR.

SEC. 8. Issuance of Agreements, Certificates and Permits. To ensure the proper implementation of the program, the following contracts, certificates and permits shall be issued:

- (a) Reforestation for Future Generation Contract (RFGC) – The DENR Provincial Office shall, upon the recommendation of the LGUs, shall issue RFGCs to applicants of reforestation project. The RFGC shall contain the indicative development and environmental plan for reforestation and terms of harvesting, embody the rights and obligations of the applicants and shall form the basis for issuance of the contract. The RFGC shall have a validity of twenty-five (25) years.
- (b) Certificate of Tree Ownership (CTO) – The issuance of CTO is applicable to private owners of land who wish their lands to be utilized for tree planting as part of the “Reforestation for Future Generation” program. It shall signify the planters’ ownership over the trees they have planted and enable the planters to cut and transport their forest products. The DENR Provincial Office and Provincial LGUs shall jointly conduct a thorough inventory and inspection of trees planted to ensure compliance with the prescribed conditions prior to the issuance of CTO.
- (c) Certificate of Usufruct (COU) – The COU is issued to cover trees planted by planters on protected forest areas where cutting is prohibited as determined by the DENR. The COU shall allow the tree planters to enjoy the fruits of their trees. The DENR Provincial Office and Provincial Government shall jointly conduct a thorough inventory and inspection of trees planted to ensure compliance with the prescribed conditions prior to the issuance of COU.
- (d) Permit to Harvest (PTH) – Those with COU shall immediately be given the permit to harvest the fruits and other by-products thereof; Provided, that no cutting of trees will be involved. The PTH shall be issued by DENR Provincial Office upon the recommendation of the LGUs; and
- (e) Permit to Cut and Transport (PCT) – A grantee of the CTO shall be given a permit to cut and transport trees upon compliance with the conditions set forth by the DENR in the rules and regulations to be issued to implement the provisions of this Act.
- (f) Certificate of Completion – A Certificate of Completion (COC) shall be given by the CENRO upon recommendation of the school principal to every high school graduating students who have planted at least one (1) tree.

SEC. 9. Privileges and Incentives. To encourage participation in the “Reforestation for Future Generation” program, the following privileges and incentives are hereby granted:

- (a) All planted trees within private lands and forestlands shall belong to the owner who shall have the right to harvest, sell and utilize such trees and crops, except those refrained for environmental protection purposes or those identified by the DENR as mother trees;
- (b) All plantation products shall be exempted from payment of forest charges. Nevertheless, the LGU concerned may enact an ordinance imposing service or pertinent charges which shall constitute a lien on the trees; and
- (c) The RFGC, CTO and the COU are transmissible either by voluntary or by testate or intestate succession.

SEC. 10. Obligations of the LGUs, DENR, concerned agencies and various sectors involved. The following obligations are hereby imposed for the effective and successful implementation of the program:

Every graduating high school student either from private or public, shall be obliged to plant tree as a contribution in the maintenance of ecological balance of the area.

- (a) *On the part of the LGUs* – The concerned Provincial, Municipal/City government shall:
 - (1) Formulate and integrate to their Development plan, a specific chapter on Environmental Plan indicating reforestation as main program, including forest protection and management programs.
 - (2) Serve as custodian and registering officer of all documents relative to this program in coordination with the DENR local office;
 - (3) Assist in the identification of sites for tree planting in coordination with the respective Barangays and officials in their respective jurisdictions;
 - (4) Establish seeding nursery with the assistance of Department of Agriculture and Fisheries (DAF) and DENR;
 - (5) Monitor the implementation of the program in their respective localities;
 - (6) Act as arbiter of all conflicts arising relative to the program.
- (b) *On the part of the DENR* – The DENR, through its provincial offices, shall:
 - (1) Together with the respective LGUs, provide program plan, technical marketing assistance to the planters in the implementation of the program;
 - (2) Establish a database system on all projects for proper documentation and monitoring purposes;

- (3) Assist in the preparation of the indicative development and environment plan as part of the RFGC;
 - (4) Issue permit to cut, harvest or transport forests timber, lumber fruits and by-products, subject to existing forestry laws, rules and regulations;
- (c) *On the part of the concerned agencies* – Any Concerned Agency which would take part in the implementation of this program, such as the DAF, among others, shall extend its technical assistance to the DENR and other key implementors like the LGUs;
- (d) The Department of Education-ARMM may require all high school graduating students, both in the private and public schools or institutions, to plant at least one (1) tree before clearance for graduation or Certificate of Completion be given or issued by concerned authorities.
- (e) *On the part of the Various Sectors involved as planters*– The Various Sectors involved as planters and part of the “Reforestation for Future Generation” program, shall:
- (1) Prepare an indicative and environment plan for the project;
 - (2) Finance all the necessary cost in undertaking the tree planting activities;
 - (3) Assist in the delineation and survey of area applied for under the RFGC;
 - (4) Abide by the standards and guidelines prescribed by the DENR with respect to forest plantation management; and
 - (5) Report any violation of forest laws, rules and regulations.

The role of the CSOs in all the undertakings relative to the implementation of the reforestation program shall be taken into consideration, both as intermediary between government programs and the community. As intermediary, CSOs can encourage community to participate in planning, monitoring reforestation, forest protection programs and activities or provide alternative actions for forest and community development.

SEC. 11. Rights of the Planters. The planters/grantee shall exercise the following rights:

- (a) Sell, convey and transfer to any person or groups or associations, corporations, government agencies or entities rights over the standing planted trees covered by the CTO;
- (b) Gather and harvest fruits and any forest by-products within their jurisdiction covered by COU;
- (c) Transfer by will and testament or through intestate succession the trees covered by CTO/COU;

- (d) Utilize the land for agro-forestry to prevent activities that may endanger the ecological conditions of the area (such as fires and illegal cutting of trees), and promote other productive purposes such as agri and eco-tourism;
- (e) Utilize branches as a result of pruning and enjoy the right to cut trees destroyed by natural calamities or infected by disease after thorough inventory of such damaged trees by the DENR, other concerned agencies and the LGUs involved.

SEC. 12. Assistance by Governing Agencies. To ensure the progressive development and success of the program, assistance to the LGUs shall be provided by the following agencies, but not limited to the:

- (a) Department of Interior and Local government (DILG)
- (b) Department of Environment and Natural Resources (DENR)
- (c) Department of Agriculture and Fisheries (DAF)
- (d) Department of Tourism (DOT)
- (e) Law Enforcers:
 - Armed Forces of the Philippines (AFP)
 - Philippine National Police (PNP)

The assistance shall be in the form of financial, technical, provision of seedlings, tools and equipment, and other services within the capability of the respective agencies' field of specialization.

SEC. 13. Designation and obligations of Area Manager. To ensure the successful implementation of the program, a licensed forester or agro-forester shall be appointed by the Provincial Governor as Area Manager in the province. He shall have the following duties and functions:

- (a) Ensure the proper inventory of trees;
- (b) Facilitate the issuance of certificates and permits;
- (c) Monitor the implementation of the program within its area of responsibility;

Perform other acts as deemed necessary for the proper and successful implementation of the program.

SEC. 14. Implementing Rules and Regulations. The DENR in coordination with the RLA Committee on Environment and natural Resources shall, within six (6) months from the effectivity of this Act, promulgate the implementing rules and regulations necessary for the effective implementation of this Act.

SEC. 15. Report to RLA. The DENR shall report to RLA every six (6) months following the approval of this Act, the status and progress of the program and recommend necessary actions for legislation.

SEC. 16. RLA Oversight. An oversight committee consisting of five (5) members including its chairperson shall be created by the RLA which shall conduct thorough review and assessment of the program to strengthen and improve the implementation of the program.

SEC. 17. Penalties. Failure of the planter/grantee to comply with the terms and conditions as stipulated in the RFGC or any violation of relevant existing forestry laws and regulations shall constitute a ground for suspension or revocation of the rights and privileges under the program.

SEC. 18. Appropriations. The amount necessary for the implementation of this Act shall initially be taken from any available budget of the Autonomous Regional Government, thereafter, such amount that will be needed shall be included in the annual General Appropriations Act.

SEC. 19. Separability Clause. Should any provision of this Act be declared unconstitutional, the validity or legality of the other provisions which stand independently shall not be affected.

SEC. 20. Repealing Clause. All laws of the ARG, Executive orders, rules and regulations or parts thereof which are inconsistent herewith are hereby repealed or modified accordingly.

SEC. 21. Effectivity. This Act shall take effect fifteen (15) days after its publication in a newspaper of regional or national circulation.

Approved.

(SGD) RASOL Y. MITMUG, JR.
Speaker

This Act was passed by the Regional Legislative Assembly on March 4, 2013.

(SGD) DATU MAMA M. AMPATUAN
Secretary-General

APPROVED:

(SGD) MUJIV S. HATAMAN
Regional Governor

Date: _____