

[PRESIDENTIAL DECREE NO. 1559, June 11, 1978]

FURTHER AMENDING PRESIDENTIAL DECREE NO. 705, OTHERWISE KNOWN AS THE "REVISED FORESTRY CODE OF THE PHILIPPINES."

WHEREAS, there is need to further strengthen the Code to make it more responsive to present realities and to the new thrust of government policies and programs on forest development and conservation and rationalization of the wood industry;

WHEREAS, forest development and wood industry programs should complement, as well as enhance, the rural development program of the government; and

WHEREAS, there is a need to provide sufficient incentives to encourage and further expand the participation of the private sector in forest management, protection and development as well as in wood processing activities within the concept of joint or co-management of the forest resources;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby amend Presidential Decree No. 705 as follows:

SECTION 1. Sections 3, 11, 14, 17, 19, 20, 22, 26 and 30 of the said Decree are amended as follows:

"SEC. 3. Definitions—

"a) Public forest is the mass of lands of the public domain which has not been subject to the present system of classification for the determination of which lands are needed for forest purposes and which are not.

"b) Permanent forest or forest reserves refers to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest purposes.

"c) Alienable or disposable lands refer to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest purposes.

"d) Forest lands includes the public forest, the permanent forest or forest reserves, and forest reservations.

"e) Grazing land refers to that portion of the public domain which has been set aside, in view of the suitability of its topography and vegetation, for the raising of livestock.

"f) Mineral lands refer to those lands of the public domain which have been classified as such by the Secretary of Natural

Resources in accordance with prescribed and approved criteria, guidelines and procedure.

"g) Forest reservations refer to forest lands which have been reserved by the President of the Philippines for any specific purpose or purposes.

"h) National park refers to a forest land reservation essentially of primitive or wilderness character which has been withdrawn from settlement or occupancy and set aside as such exclusively to preserve the scenery, the natural and historic objects and the wild animals or plants therein, and to provide enjoyment of these features in such a manner as will leave them unimpaired for future generations.

"i) Game refuge or bird sanctuary refers to a forest land designated for the protection of game animals, birds and fish and closed to hunting and fishing in order that the excess population may flow and restock surrounding areas.

"j) Marine park refers to any public offshore area delimited as habitat of rare and unique species of marine flora and fauna.

"k) Seashore park refers to any public shore area delimited for outdoor recreation, sports fishing, water skiing and related healthful activities.

"l) Watershed reservation is a forest land reservation established to protect or improve the conditions of the water yield thereof or reduce sedimentation.

"m) Watershed is a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface run-off.

"n) Critical watershed is a drainage area of a river system supporting existing and proposed hydro-electric power, irrigation works or domestic water facilities needing immediate protection or rehabilitation.

"o) Mangrove is a term applied to the type of forest occurring on tidal flat along the sea coast, extending along stream where the water is brackish.

"p) Kaingin refers to a portion of the forest land which is subjected to shifting and/or permanent slash-and-burn cultivation.

"q) Forest product means timber, pulpwood, firewood, bark, tree top, resin, gum, wood, oil, honey, beeswax, nipa, rattan, or other forest growth such as grass, shrub, and flowering plant, the associated water, fish, game, scenic, historical, recreational and geologic resources in forest lands.

"r) Dipterocarp forest is a forest dominated by trees of the dipterocarp species, such as red lauan, tanguile, tiaong, white lauan, almon, bagtikan and mayapis of the Philippine mahogany group, apitong and the yakals.

"s) Pine forest is a forest type predominantly of pine trees.

"t) Industrial tree plantation refers to any forest land extensively planted to tree crops primarily to supply raw material requirements of existing or proposed wood processing plants and related industries.

"u) Tree farm refers to any small forest land or tract of land purposely planted to tree crops.

"v) Agro-forestry is a sustainable management for land which increases overall production, combines agricultural crops, tree crops and forest plants and/or animals simultaneously or sequentially, and applies management practices which are compatible with the cultural patterns of the local population.

"w) Multiple-use is the harmonized utilization of the land, soil, water, wildlife, recreation value, grass and timber of forest lands.

"x) Selective logging is the systematic removal of the nature, over-mature and defective trees in such manner as to leave adequate number and volume of healthy residual trees of the desired species necessary to assure a future crop of timber, and forest cover for the protection and conservation of soil, water and wildlife.

"y) Seed tree system is a silvicultural system characterized by partial clearcutting leaving seed-trees to regenerate the area.

"z) Healthy residual refers to a sound or slightly injured tree of the commercial species left after logging.

"aa) Sustained-yield management implies continuous or periodic production of forest products in a working unit for the purpose of achieving at the earliest practicable time an approximate balance between growth and harvest or use. This is generally applied to the commercial timber resources and is also applicable to the water, grass, wildlife, and other renewable resources of the forest.

"bb) Processing plant is any mechanical setup, device, machine or combination of machines used for the conversion of logs and other forest raw materials into lumber, veneer, plywood, fiberboard, blackboard, paper board, pulp, paper or other finished wood products.

"cc) Lease is a privilege granted by the State to a person to occupy and possess, in consideration of specified rental, any

forest land of the public domain in order to undertake any authorized activity therein.

"dd) License is a privilege granted by the State to a person to utilize forest resources within any forest land, without any right of occupation and possession over the same, to the exclusion of others, or establish and operate a wood-processing plant, or conduct any activity involving the utilization of any forest resources.

"ee) License agreement is a privilege granted by the State to a person to utilize forest resources within any forest land with the right of possession and occupation thereof to the exclusion of others, except the government, but with the corresponding obligation to develop, protect and rehabilitate the same in accordance with the terms and conditions set forth in said agreement.

"ff) Permit is a short-term privilege or authority granted by the State to a person to utilize any limited forest resources or undertake a limited activity within any forest land without any right of occupation and possession therein.

"gg) Annual allowable cut is the volume of materials, whether of wood or other forest products, that is authorized to be cut yearly from a forest.

"hh) Cutting cycle is the number of years between two major harvests in the same working unit and/or region.

"ii) Forest ecosystem refers to the living and non-living components of a forest and their interaction.

"jj) Silviculture is the establishment, development, reproduction and care of forest trees.

"kk) Rationalization is the organization of a business or industry using management principles, systems and procedures to attain stability, efficiency and profitability of operation.

"ll) Forest officer means any official or employee of the Bureau who has been appointed or delegated by law or by competent authority to execute, implement or enforce the provisions of this Code, other related laws, as well as their implementing regulations.

"mm) Private right means or refers to titled rights of ownership under existing laws, and in the case of national minority to rights of possession existing at the time a license is granted under this Code, which possession may include places of abode and worship, burial grounds, and old clearings, but exclude productive forest inclusive of logged-over areas, commercial forests and established plantations of forest trees and trees of economic values.

"nn) Person includes natural as well as juridical person."

"SEC. 11. *Manpower and policy development.*—The Bureau shall establish and operate an in-service training center for the purpose of upgrading and training its personnel and new employees.

"The Bureau shall also set aside adequate funds to enable personnel to obtain specialized education and training in local or foreign colleges or institutions.

"There shall be established in the College of Forestry, University of the Philippines at Los Baños, in coordination with the Department of Natural Resources and the wood industry, a Forestry Development Center which shall conduct basic policy researches in forestry and develop or help develop an effective machinery for forestry policy formulation and implementation. To help defray the cost of operating said Center, it is authorized to receive assistance from the wood industry and other sources."

"SEC. 14. *Existing pasture leases in forest lands.*—Forest lands which are not reservations and which are the subject of pasture leases shall be classified as grazing lands and areas covered by pasture permits shall remain forest lands until otherwise classified under the criteria, guidelines and methods of classification to be prescribed by the Department Head: *Provided*, That the administration, management and disposition of grazing lands shall remain under the Bureau."

"SEC. 17. *Establishment of boundaries of forest lands.*—All boundaries between permanent forests and alienable or disposable lands shall be clearly marked and maintained on the ground, with infrastructure or roads, or concrete monuments at intervals of not more than five hundred (500) meters in accordance with established procedures and standards, or any other visible and practicable signs to insure protection of the forest.

"In all cases of boundary conflicts, reference shall be made to the Philippine Coast and Geodetic Survey Topo map."

"SEC. 19. *Multiple use.*—The numerous beneficial uses of the timber, land, soil, water, wildlife, grass and recreation or aesthetic value of forest lands and grazing lands shall be evaluated and weighted before allowing their utilization, exploitation, occupation or possession thereof, or the conduct of any activity therein.

"Only the utilization, exploitation, occupation or possession of any forest lands and grazing lands, or any activity therein, involving one or more of its resources, which will produce the optimum benefits to the development and progress of the country and the public welfare, without impairment or with the least injury to its resources, shall be allowed.

"All forest reservations may be open to development or uses not inconsistent with the principal objectives of the reservation: *Provided*, That critical watersheds, national parks and established experimental forests shall not be subject to commercial logging or grazing operations,