

[PRESIDENTIAL DECREE NO. 705, May 19, 1975]

REVISING PRESIDENTIAL DECREE NO. 389, OTHERWISE KNOWN AS THE FORESTRY REFORM CODE OF THE PHILIPPINES.

WHEREAS, proper classification, management and utilization of the lands of the public domain to maximize their productivity to meet the demands of our increasing population is urgently needed;

WHEREAS, to achieve the above purpose, it is necessary to reassess the multiple uses of forest lands and resources before allowing any utilization thereof to optimize the benefits that can be derived therefrom;

WHEREAS, it is also imperative to place emphasis not only on the utilization thereof but more so on the protection, rehabilitation and development of forest lands, in order to ensure the continuity of their productive condition;

WHEREAS, the present laws and regulations governing forest lands are not responsive enough to support reoriented government programs, projects and efforts on the proper classification and delimitation of the lands of the public domain, and the management, utilization, protection, rehabilitation and development of forest lands;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby revise Presidential Decree No. 389 to read as follows:

SECTION 1. *Title of this Code.*—This decree shall be known as the "Revised Forestry Code of the Philippines."

SEC. 2. *Policies.*—The State hereby adopts the following policies:

- a. The multiple uses of forest lands shall be oriented to the development and progress requirements of the country, the advancement of science and technology, and the public welfare;
- b. Land classification and survey shall be systematized and hastened;
- c. The establishment of wood-processing plants shall be encouraged and rationalized; and
- d. The protection, development and rehabilitation of forest lands shall be emphasized so as to ensure their Continuity in productive condition.

SEC. 3. *Definitions.*

- a. Public forest is the mass of lands of the public domain which has not been the subject of 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 refer to those lands of the public domain which have been the subject of the present system of classification and determined to be needed for forest purposes.
- c. Alienable and 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 include 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 off-shore area inhabited by 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 and irrigation works needing immediate rehabilitation as it is being subjected to a fast denudation causing accelerated erosion and destructive floods. It is closed from logging until it is fully rehabilitated.
- o. Mangrove is a term applied to the type of forest occurring on tidal flat along the sea coast, extending along streams where the water is brackish.
- p. Kaingin is a portion of the forest land, whether occupied or not, which is subjected to shifting and/or permanent slash-and-burn cultivation having little or no provision to prevent soil erosion.
- 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, tangile, tiaong, white lauan, almon, bagtikan and mayapis of the Philippine mahogany group, apitong and the yakals.
- s. Pine forest is a forest composed of the Benguet Pine in the Mountain Provinces or the Mindoro pine in Mindoro and Zambales provinces.
- t. Industrial tree plantation is any tract of forest land purposely and extensively planted to timber crops primarily to supply the raw material requirements of existing or proposed processing plants and related industries.
- u. Tree farm refers to any tract of forest land purposely and extensively planted to trees of economic value for their fruits, flowers, leaves, barks, or extractives, but not for the wood thereof.

- v. Multiple-use is the harmonized utilization of the numerous beneficial uses of the land, soil, water, wildlife, recreation value, grass and timber of forest lands.
 - w. Selective logging means the systematic removal of the mature, 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 and water.
 - x. Seed tree system is partial clearcutting with seed trees left to regenerate the area.
 - y. Healthy residual is a sound or slightly injured tree of the commercial species left after logging.
 - z. Sustained-yield management implies continuous or periodic production of forest products in a working unit with the aid 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.
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- aa. Processing plant is any mechanical set-up, machine or combination of machine used for the processing of logs and other forest raw materials into lumber, veneer, plywood, wallboard, blockboard, paper board, pulp, paper or other finished wood products.
 - bb. Lease is a privilege granted by the State to a person to occupy and possess, in consideration of a specified rental, any forest land of the public domain in order to undertake any authorized activity therein.
 - cc. License is a privilege granted by the State to a person to utilize forest resources as in 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.
 - dd. 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.
 - ee. 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.
 - ff. Annual allowable cut is the volume of materials, whether of wood or other forest products, that is authorized to be cut regularly from a forest.
 - gg. Cutting cycle is the number of years between major harvests in the same working unit and/or region, within a rotation.
 - hh. Ecosystem means the ecological community considered together with non-living factors and its environment as a unit.
 - ii. Silviculture is the establishment, development, reproduction and care of forest trees.
 - jj. Rationalization is the organization of a business or industry using scientific business management principles and simplified procedures to obtain greater efficiency of operation.

- kk. Forest officer means any official or employee of the Bureau who, by the nature of his appointment or the functions of the position to which he is appointed, is 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.
- ll. Primitive tribe is a group of endemic tribe living primitively as a distinct portion of a people from a common ancestor.
- mm. Private right means or refers to titled rights of ownership under existing laws, and in the case of primitive tribes, 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 excludes production forest inclusive of logged-over areas, commercial forests and established plantations of forest trees and trees of economic value.
- nn. Person includes natural as well as juridical person.

CHAPTER I—ORGANIZATION AND JURISDICTION OF THE BUREAU

SEC. 4. *Creation of, and merger of all forestry agencies into, the Bureau of Forest Development.*—For the purpose of implementing the provisions of this Code, the Bureau of Forestry, the Reforestation Administration, the Southern Cebu Reforestation Development Project, and the Parks and Wildlife Office, including applicable appropriations, records, equipment, property and such personnel as may be necessary, are hereby merged into a single agency to be known as the Bureau of Forest Development, hereinafter referred to as the Bureau.

SEC. 5. *Jurisdiction of Bureau.*—The Bureau shall have jurisdiction and authority over all forest land, grazing lands, and all forest reservations including watershed reservations presently administered by other government agencies or instrumentalities.

It shall be responsible for the protection, development, management, regeneration, and reforestation of forest lands; the regulation and supervision of the operation of licensees, leasees and permittees for the taking or use of forest products therefrom or the occupancy or use thereof; the implementation of multiple use and sustained yield management in forest lands; the protection, development and preservation of national parks, marine parks, game refuges and wildlife; the implementation of measures and programs to prevent kaingin and managed occupancy of forest and grazing lands; in collaboration with other bureaus, the effective, efficient and economic classification of lands of the public domain; and the enforcement of forestry, reforestation, parks, game and wildlife laws, rules and regulations.

The Bureau shall regulate the establishment and operation of sawmills, veneer and plywood mills and other wood processing plants and conduct studies of domestic and world markets of forest products.

SEC. 6. *Director and Assistant Director and their qualifications.*—The Bureau shall be headed by a Director, who shall be assisted by one or more Assistant Directors. The Director and Assistant Directors shall be appointed by the President.

No person shall be appointed Director or Assistant Director of the Bureau unless he is a natural born citizen of the Philippines, at least 30 years of age, a holder of at least a Bachelor's Degree in Forestry or its equivalent, and a registered forester.

SEC. 7. Supervision and Control—The Bureau shall be directly under the control and supervision of the Secretary of the Department of Natural Resources, hereinafter referred to as the Department Head.

SEC. 8. Review.—All actions and decisions of the Director are subject to review, *motu proprio* or upon appeal of any person aggrieved thereby, by the Department Head whose decision shall be final and executory after the lapse of thirty (30) days from receipt by the aggrieved party of said decision, unless appealed to the President in accordance with Executive Order No. 19, series of 1966. The Decision of the Department Head may not be reviewed by the courts except through a special civil action for *certiorari* or *prohibition*.

SEC. 9. Rules and Regulations.—The Department Head, upon the recommendation of the Director of Forest Development, shall promulgate the rules and regulations necessary to implement effectively the provisions of this Code.

SEC. 10. Creation of Functional Divisions, and Regional and District Offices.—All positions in the merged agencies are considered vacant. Present occupants may be appointed in accordance with a staffing pattern or plan of organization to be prepared by the Director and approved by the Department Head. Any appointee who fails to report for duty in accordance with the approved plan within thirty (30) days upon receipt of notification shall be deemed to have declined the appointment, in which case the position may be filed by any other qualified applicant.

For the efficient and effective implementation of the program of the Bureau, the following divisions and sections are hereby created, to wit:

| Divisions | Sections |
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| Planning and Evaluation Division | Program Planning; Performance Evaluation; Forest Economics; Management Analysis, Data and Information. |
| Administrative Division | Personnel; Budget; Accounting; Information; General Services. |
| Legal Division | Cooperative Planting; |
| Reforestation and Afforestation Division | Planting Stock Production; Plantation Management. |
| Timber Management Division | Forest Surveys, Data and Mapping; Silviculture; Timber Inventory and Photo- Interpretation; Timber Management Plans; Land Classification. |
| Utilization Division | Timber Operations; Land Uses; Utilization. |
| Forest Protection and | Forest Protection; |