

[PCSD RESOLUTION NO. 06-313, November 17, 2006]

"A RESOLUTION AMENDING PCSD ADMINISTRATIVE ORDER NO. 07, SERIES OF 2003 OTHERWISE KNOWN AS THE IMPLEMENTING RULES AND REGULATIONS OF THE CHAINSAW ACT OF 2002 FOR THE PROVINCE OF PALAWAN"

WHEREAS, Republic Act 7611 or the Strategic Environmental Plan (SEP) for Palawan, provides for the comprehensive framework for the sustainable development of Palawan compatible with enhancing the natural resources and endangered environment of the province and created the Palawan Council for Sustainable Development (PCSD) as the administrative machinery for its implementation, governance and policy direction;

WHEREAS, paragraph two (2), Section 9 of Republic Act No. 9175, otherwise known as the "Chainsaw Act of 2002", provides, that "In the Province of Palawan, the provisions of this Act shall be implemented by the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611 or the Strategic Environmental Plan (SEP) for Palawan".

WHEREAS, on September 12, 2003, the Council on a Special Council Meeting passed PCSD Resolution No. 03-215, approving the Implementing Rules and Regulations of the Chainsaw Act thereby enacting PCSD Administrative Order No. 07, series of 2003;

WHEREAS, to effectively achieve and pursue forest protection program declared under Republic Act 9175, there is a need to regulate the use of chainsaws to eliminate illegal logging and other forms of forest destruction;

WHEREAS, there is a need to extensively evaluate the qualifications of persons who are qualified to possess and use chainsaws to further conserve, develop and protect the forest resources under sustainable management;

WHEREAS, to reflect the intent of the farmers of Republic Act 9175, there should be a firm implementation of the Chainsaw Act to address the present problem on forest destruction;

WHEREAS, in order to effectively implement the provisions of the Chainsaw Act as well as its Implementing Rules and Regulations, there is a need to amend PCSD Administrative Order 07, series of 2003;

NOW THEREFORE, upon unanimous decision of the Council be it RESOLVED as it is hereby RESOLVED, that PCSD Administrative Order No. 07, series of 2003, be amended as it is hereby amended as provided hereunder for the compliance and guidance of all concerned in the Province of Palawan.

RESOLVED FURTHER, that the Department of Environment and Natural Resources, the Local Government Units and other concerned agencies be furnished copies of this Resolution and the revised PCSD Administrative Order No. 07.

Section 1. – Section 2 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 2. Objectives.

This Order is promulgated to achieve the following objectives:

2.1 To regulate the purchase, ownership, possession, sale, transfer, importation and/or use of chainsaws to prevent them from being used in illegal logging or unauthorized clearing of forests, as well as to ascertain that individual applicant for registration are indeed qualified to possess and use the same for legal purposes;

2.2 To establish and maintain a local database on the existing number of chainsaws, authorized dealers, authorized users, importation and sales thereof, among others; and

2.3 To facilitate the monitoring of the operations of chainsaw importers, users, and others.

2.4 For effective and efficient implementation of the Chainsaw Act in the Province of Palawan.

Section 2. – The following definition of terms in Section 3 of PCSD Administrative Order No. 07 has been amended or deleted to read as follows:

Section 3.1 Chainsaw – shall refer to any portable power saw or similar cutting implement rendered operative by an electric or internal combustion engine or similar means, that may be used for, but is not limited to, the felling of trees or the cutting of timber. It shall likewise refer to circular saw capable of cutting timber, provided it is portable.

Section 3.5 Forestland – shall refer to lands of the public domain which have not been declared as alienable and disposable lands and includes the public forest, coastal forests, forests in watershed reservations, forests in protected areas, timber lands, grazing lands, and wildlife sanctuaries.

Section 3.6 Industrial Tree Farm – refers to plantation in an area of at least 100 hectares.

Section 3.7 Industrial Tree Farmer – shall refer to a person engaged in large- scale tree farming within private and public lands with an area of at least 100 hectares.

Section 3.8 Legal Purpose – shall refer to activities such as tree pruning, tree surgery, landscaping, timber stand improvement as authorized by the DENR in appropriate instances, and other allied silvicultural activities.

Section 3.9 MENRO – refers to the Municipal Environment and Natural Resources Officer.

Section 3.10 Non-commercial orchard and fruit tree farmers – shall refer to persons, natural or juridical, whose plantation is not for commercial purpose and such area is not less than one (1) hectare.

Section 3.11 Orchard – shall refer to lands, at least 1 hectare, planted with fruit trees and other trees of economic value, such as, but not limited to bamboo, coconut, anahaw and other palms

Section 3.12 PCSD – shall refer to the Palawan Council for Sustainable Development pursuant to R.A. 7611.

Section 3. – Section 4 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 4. Scope.

These rules and regulations shall cover the purchase, manufacture, ownership, possession, sale, transfer, importation and use of chainsaws. Henceforth, all chainsaw owners shall apply for registration with the PCSD.

Section 4. – Section 6 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 6. Persons authorized to own, possess and use chainsaws.

The PCSD may issue a Certificate of Registration to qualified owners, possessors and/or users of chainsaws falling under any of the following categories:

6.1 Holder/s of any of the following subsisting instruments:

- a. Production Sharing Agreement;
- b. Co-Production Sharing Agreement;
- c. Private Land Timber Permit;
- d. Special Private Land Timber Permit;
- e. Community-Based Forest Management Agreement (CBFMA);
- f. Integrated Forest Management Agreement (IFMA);
- g. Socialized Industrial Forest Management Agreement (SIFMA);
- h. Philippine Coconut Authority (PCA) issued permits;
- i. Other similar tenurial instruments.

6.2 Orchard or fruit tree farmer

6.3 Industrial tree farmer

6.4 Licensed wood processor, in which the chainsaw shall be used for the cutting of timber that has been legally sold to said applicant.

6.5 Any entity, natural or juridical who shows satisfactory proof that the possession and/or use of the chainsaw is for a legal purpose.

6.6 Agencies of the government, such as but not limited to Local Government Units and Protected Area Offices, Government-Owned and Controlled Corporations (GOCCs) that use chainsaws in some aspects of their functions.

Section 5. – Section 7 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 7. Registration of Chainsaws.

For purposes of registration, only chainsaw units owned and/or operated by government agencies/offices or Government Owned and Controlled Corporations (GOCCs) may be registered. The PCSD may issue the corresponding Certificate of Registration in the name of the government agency/office or GOCC who cause the registration of the unit if it finds such applicant to be qualified hereunder. No new registration may be granted to any person, natural or juridical, unless the PCSD authorizes such registration through a resolution.

The Certificate of Registration, previously granted/issued to chainsaw units belonging to individuals or entities and those who were allowed to renew the same and to those issued to government agencies/offices or GOCCs, shall also serve as the permit to own, possess and/or use the chainsaw for legal purpose; Provided, that when the intended use requires a permit/authority from other concerned government agencies/offices, such permit/authority shall first be secured prior to actual use. Provided further, that the chainsaw units without a serial number shall not be registered except those previously issued with a Certificate of Registration in which case the PCSD shall engrave a corresponding number for such unit/s.

7.1 Coding System of Registered Chainsaws

7.1.1. An alpha-numeric coding system as control number for registered chainsaws shall follow the following sequence: the initials provided in sub-section 7.1.2 as Municipal Code, where the chainsaw was registered; followed by the last two digits of the year when the chainsaw was registered; and the assigned number of the Chainsaw.

7.1.2. The following shall be the municipal codes for each municipality where the chainsaw shall be registered:

a. Coron = CO

Cagayancillo = CG

b. Culion = CL

m.

Agutaya = AG

- | | |
|---------------------|---------------------------|
| c. Busuanga = BU | n. |
| d. Linapacan = LN | o. Kalayaan = KY |
| e. Roxas = RX | p. Puerto Princesa = PPC |
| q. Aborlan = AB | |
| f. San Vicente = SV | r. Narra = NR |
| g. Dumaran = DU | s. Quezon = QZ |
| h. T aytay = TY | t. Sofronio Española = ES |
| i. El Nido = EN | u. Brooke 's Point = BP |
| j. Araceli = AR | v. Rizal = RZ |
| | . |
| k. Cuyo = CY | w. Balbac = BL |
| | . |
| l. Magsaysay = MG | x. Bataraza = BZ |

7.2 The control number, described in 7.1.1 assigned to every registered chainsaw shall be placed in the Certificate of Registration. The original copy of the Certificate of Registration shall be kept by the owner while the duplicate copy by the PCSD. A copy of the Certificate of Registration must be with the chainsaw operator at all times.

Section 6. – Section 8 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 8. Requirements for a Certificate of Registration.

Applicants for registration of chainsaws shall submit all of the following requirements to the PCSD.

8.1 For original / New Applicants

8.1.1. Holder of a subsisting Production Sharing Agreement, Co-Production Sharing Agreement, or a Private Land Timber Permit/Special Private Land Timber Permit, CBFMA, IFMA, SIFMA, Philippine Coconut Authority Issued

Permits, or other similar tenurial instruments:

- Duly accomplished Application Form;
- Copy of the tenurial instrument in the name of the applicant or an endorsement from the PCA if the use is for coconut trees;
- Proof of ownership of chainsaw (sales invoice, deed of sale, deed of donation, through succession, etc.);
- Stencil of Engine Serial number;
- Barangay Certificate;
- Registration Fee.

8.1.2. Orchard or fruit tree farmer or industrial tree farmer