

[Act No. 1148, May 07, 1904]

**AN ACT TO REGULATE THE USE OF THE PUBLIC FORESTS AND
FOREST RESERVES IN THE PHILIPPINE ISLANDS AND
REPEALING GENERAL ORDERS, NUMBERED NINETY-TWO,
SERIES OF NINETEEN HUNDRED, ACT NUMBERED TWO HUNDRED
AND SEVENTY-FOUR, AND SECTIONS TWENTY OF ACT
NUMBERED FORTY-NINE, ELEVEN OF ACT NUMBERED ONE
HUNDRED AND NINETEEN, AND ELEVEN OF ACT NUMBERED ONE
HUNDRED AND TWENTY.**

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The short title of this Act shall be "The Forest Act."

SEC. 2. The public forests and forest reserves of the Philippine Islands shall be held and administered for the protection of the public interests, the utility and safety of the forests, and the perpetuation thereof in productive condition by wise use and it is the purpose of this Act to provide for the same.

SEC. 3. The public forests shall include all unreserved public lands covered with trees of whatever age.

SEC. 4. Upon the recommendation of the Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, the Civil Governor may set apart forest reserves from the public lands, and he shall by proclamation declare the establishment of such reserves and the boundaries thereof, and thereafter such forest reserves shall not be entered, sold, or otherwise disposed of, but shall remain as such for forest uses, and shall be administered, except as provided in this section, in like manner as the public forests under this Act: *Provided*, That the Civil Governor may in like manner by proclamation alter or modify the boundaries of any forest reserve from time to time, or revoke any such proclamation, and upon such revocation such forest reserve shall he and become part of the public lands as though such proclamation had never been made.

SEC. 5. The public forests and forest reserves and the timber, firewood, gums, and other products thereof shall not be sold, entered, leased, or otherwise disposed of except as herein provided: *Provided*, That any mining claim, as defined in section one of Act Numbered Six hundred and twenty-four, entitled An Act prescribing regulations governing the location and manner of recording mining claims, and the amount of work necessary to hold possession of a mining claim, under the provisions of the Act of Congress approved July first, nineteen hundred and two, entitled An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, in any of the public forests and forest reserves shall be entered only as provided in said Act Numbered Six hundred and twenty-four, and the provisions of this Act shall not be applicable, to the entry and location of such claims, but they shall be governed by Act Numbered Six hundred and twenty-four exclusively: *And provided further*, That the authority given by the Chief of the Bureau of Forestry, as hereinafter provided, to issue licenses for the taking of stone and earth from public forests and forest serves shall be understood to apply only when such stone and earth is taken from lands not

more valuable for mining purposes than for other purposes, and therefore not subject to entry as a mining claim.

SEC. 6. No prescriptive right to the use, possession, or enjoyment of any forest product, nor any permanent concession, continuing right, privilege, or easement, of any kind whatsoever, upon or within or respecting the products of the public forests or forest reserves, shall accrue or be granted except as provided in this Act. But the public forests and forest reserves shall be and remain open of access for all lawful purposes to the people of the Philippine Islands except as provided in this Act.

SEC. 7. Lands in public forests, upon the certification of the Chief of the Bureau of Forestry that said lands are better adapted and more valuable for agricultural than for forest purposes and not required by the public interests to be kept under forest, shall be declared by the Secretary of the Interior to be agricultural lands.

When in his opinion the public interests so require. the Chief of the Bureau of Forestry may make application to the Chiefs of the Bureaus of Agriculture and Public Lands for the detail of an official from each of said Bureaus to form, with an official from the Bureau of Forestry, a committee for the purpose of assisting said Chief of the Bureau of Forestry in making this certification, and upon the receipt of said application it shall be the duty of each of said Chiefs of the Bureaus of Agriculture and Public Lands to direct one of his subordinates to render the assistance applied for.

SEC. 8. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall proscribe such regulations not inconsistent with the provisions of this Act as may be expedient or necessary for the protection, management, reproduction, occupancy, and use of the public forests and forest reserves, and the said Chief, with the approval of the Secretary of the Interior, is hereby authorized to alter and revise such regulations. He shall in particular provide for the use of the public forests and forest reserves in such manner as to insure for the future a continued supply of valuable timber and other forest products.

SEC. 9. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may upon proper terms which he may deem reasonable, lease, as herein provided, tracts of land not exceeding four hectares in extent in the public forests and forest reserves, to any person or to any association of persons holding timber licenses, for occupancy as sites for sawmills or timber depots, and the Secretary of the Interior may grant free rights of way through the public lands to enable such person or association of persons to get access to the lands to which such licenses apply.

SEC. 10. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may select for sale or disposal, and may sell or dispose of by license, from the public forests and forest reserves, at rates of charge to be established by him in accordance with the provisions of sections eleven and twelve of this Act, any timber, firewood for commercial use, gums, resins, and other forest products, whose removal will not be detrimental to the public forests or forest reserves or to the interests which depend upon them.

SEC. 11. For the purposes of this Act the various provinces in the Philippine Islands are divided into two classes:

Class A shall include the Provinces of Abra, Bataan, Batangas, Benguet, Bulacan, Capiz, Cavite, Cebu, Ilocos Norte, Ilocos Sur, Iloilo, La Laguna, Nueva Ecija, Pampanga, Pangasinan, Rizal, Romblon, Sorsogon, Tarlac, Union, and Zambales. Class B shall include the Provinces of Albay, Ambos Camarines, Antique, Bohol, Cagayan, Isabela, Lepanto-Bontoc, Leyte, Masbate, Mindoro, Misamis, Moro, Nueva Vizcaya, Occidental Negros, Oriental Negros, Paragua, Samar, Surigao, and Tayabas.

For the purposes of this Act the various native trees are divided into four groups:

The first group shall include acle, baticulin, betis, camagon, ebony, ipil, lanete, mancono, molave, narra, tindalo, and yacal.

The second group shall include alupag, aranga, banaba, bansa-laguin, banuyo, batitanan, holongeta, calainansanay, calantas and dung.

The third group shall include agoho, anmguis, anubing, apitong, batino, bitanhol, ealumpit, catmon, cupang, dalinsi, dita, dungoninte, malacnialac, malapapaya, malasantol, mayapis, nato, palosapis, panao, sacat, santol, tamayuan, and tanguile.

The fourth group shall include anahao, ananx, apuit, bacao, bala-eat. biilinhasay, batete, bayoc, bonga, bulao, lauan, malaanonang, malaliahic, malabonga, mangasinoro, manicnic, pagatpat, and pag-sainguin.

SEC. 12. The metric system of weights and measures, as adopted by sections thirty-five hundred and sixty-nine and thirty-five hundred and seventy of the Revised Statutes of the United States, shall be used.

On each cubic meter of timber which may be cut in any public forest or forest reserve in any of the provinces of the Philippine Islands for domestic sale or consumption, or for export, there shall be paid, within thirty days from date of the receipt by the owner or his agent of the order of payment of the government charge on the same. into the Insular Treasury, as provided by existing law, the following sums:

On all timber included in the first group cut in any province in Class A, five pesos; when cut in any province included in Class B, two pesos and fifty centavos.

On all timber included in the second group cut in any province included in Class A, three pesos; when cut in any province included in Class B, one peso and fifty centavos.

On all timber included in the third group cut in any province included in Class A, one peso and fifty centavos; when cut in any province included in Class B, one peso.

On all timber included in the fourth group and on all non-enumerated timber cut in any province included in Class A, one peso; when cut in any province included in Class B, fifty centavos: *Provided*, That when timber cut in provinces included in Class A has been selected for felling by duly authorized forest officials, the rates on such timber shall be only such as are fixed in this section to timber cut in provinces included in Class B: *And provided further*, That the taxes imposed in this section on ebony and camagon shall be charged on said timbers when presented for

measurement and appraisal with the sapwood still attached; and the number of cubic meters in each piece of timber, so measured shall include the sapwood attached to the same, and when ebony or camagon timber from which the sapwood has been stripped is presented for measurement and appraisal, there shall be assessed and collected the following sums:

On each cubic meter of ebony cut in any province included in Class A, thirteen pesos and fifty centavos: when cut in any province in Class B, six pesos. On each cubic meter of camagon cut in any province included in Class A, eight pesos; when cut in any province in Class B, four pesos and fifty centavos.

The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log. The volume of all squared timber shall be ascertained by multiplying the average cross section by the length, to which twenty-five per centum shall be added for loss in squaring. The volume of all sawn timber shall be ascertained by multiplying the average cross section by the length, to which fifteen per centum shall be added for loss in sawing.

All timber included in the preceding section in the third and fourth groups and all nonenumerated timber cut in any province, known in the market under the name of "raja" and which shall not exceed one and one-half meters in length and fifteen centimeters in diameter, shall be classed as firewood, and the following taxes shall be collected thereon:

On all firewood consisting of "rajas" from sixty centimeters to one and one-half meters in length, and from seven centimeters to fifteen centimeters in diameter, one peso for each one thousand "rajas."

On all firewood consisting of pieces of timber less than sixty centimeters in length and less than seven centimeters in diameter, ten centavos per cubic meter: *Provided*, That whenever in the opinion of the Chief of the Bureau of Forestry the preservation and use of the public forests and forest reserves shall render necessary the removal of the tops of fallen timber, said tops when removed in accordance with the regulations prescribed by the Chief of the Bureau of Forestry, shall be exempted from the payment of any tax imposed in this section on timber or firewood or other forest products.

On all gums and resins and other forest products gathered or removed from any province there shall be paid on the actual market value thereof ten per centum. The Collector of Internal Revenue and the Chief of the Bureau of Forestry shall upon the passage of this Act, and from time to time thereafter, make a joint assessment of the actual market value of the various products on which taxes are imposed in this section said assessments shall be made from the most reliable data available and shall be published in the Official Gazette for the information of taxpayers.

SEC. 13. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, as herein provided, issue licenses for the cutting, collection, and removal of timber, firewood, gums, resins, and other forest products from the public forests and forest reserves. Every license so issued shall specify in detail the rights to which it entitles the holder and shall provide, whenever practicable, for exclusive territory in similar products to each licensee. All licenses for timber shall provide for the selection of said timber before cutting: *Provided*, That when absolutely

necessary the selection of timber or the granting of exclusive territory may, in the discretion of the Chief of the Bureau of Forestry, be omitted in any license terminating not later than June thirtieth, nineteen hundred and eight, after which date the selection of timber and the granting of exclusive territory whenever practicable shall be required.

SEC. 14. No license granted under the provisions of this Act shall continue in force for more than twenty years. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, in granting any exclusive license, prescribe such terms, conditions, and limitations not inconsistent with the provisions of this Act, including a minimum amount of timber to be cut within a specified period or periods of time, as may be deemed by the Chief of the Bureau of Forestry and Secretary of the Interior to be in the public interest, and may provide in such licenses for forfeiture thereof in case of violation of such terms, conditions, or limitations.

SEC. 15. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall publicly announce what classes of licenses shall be issued.

SEC. 16. The Chief of the Bureau of Forestry may, for violations of the Forest Act or of the regulations, to be determined and declared by him, with the approval of the Secretary of the Interior, revoke or temporarily suspend any license.

SEC. 17. A gratuitous license to cut and use timber for mining purposes shall be granted on application to the holder, locator, owner, lessee, or operator of a mining claim. Said license shall be limited to the claim on which the timber is cut, and no timber shall be used under such license except in the development of the claim upon which it is cut. Said license shall specify the kinds and uses of the timber to which it entitles the holder, and the territorial limits within which it is valid. A miner's timber license to cut timber in the public forests or forest reserves other than that standing on the claim and desired for the development of said claim may be obtained on application by the holder, locator, owner, lessee, or operator of a mining claim. Said license shall specify the kinds, and uses of the timber to which it entitles the holder and the territorial limits within which it is valid. The government charge on timber thus used under a miner's timber license shall be one-half the rate prescribed for the province within which said timber is cut.

SEC. 18. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may designate for sale or disposal, and may sell or dispose of by license from the public forests and forest reserves, stone or earth the removal of which will not be detrimental to the public forests or forest reserves or to the interests which depend upon them. The rates of charge shall be determined by him in each case with like approval.

The Chief of the Bureau of Forestry with the approval of the Secretary of the Interior, grant licenses for the removal of such stone or earth, and in such licenses may prescribe such terms, conditions, and limitations, including a minimum amount of stone or earth to be removed within a specified period or periods of time as may be deemed by the Chief of the Bureau of Forestry and the Secretary of the Interior in the public interest, and may provide in such licenses for forfeiture thereof in case of violation of such terms.