




Senate
Office of the Secretary

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'10 NOV 18 A11 :37

RECEIVED BY: 

SENATE

S. B. No. 2599

INTRODUCED BY SENATOR MANNY VILLAR

EXPLANATORY NOTE

Illegal logging is destroying our forests. Flashfloods and landslides, caused by this illegal activity, have become frequent occurrences which are alarming.

Thus, this bill seeks to amend Section 80 of Presidential Decree No. 705, otherwise known as the "Forestry Code of the Philippines", as amended by Presidential Decree No. 1775, where the local government shares the responsibility of combating illegal logging.

Its objective is to strengthen forest protection measures and law enforcement efforts, as it mobilizes barangay officials to help the Department of Environment and Natural Resources and the Philippine National Police in protecting our forest.

Under the Bill, in addition to the forest officer or employee of the Forest Management Bureau of the Department of Environment and Natural Resources or any officer of the Philippine National Police, any barangay official is now given the authority to arrest, even without warrant, and file complaint with the appropriate official authorized by law to conduct preliminary investigation of criminal cases, any person who has committed or is committing, or attempting to commit in his presence an offense defined in the forestry law, subject to Section 5, Rule 113 of the Rules on Criminal Procedure.

In view of the foregoing, the approval of this measure is earnestly sought.


MANNY VILLAR


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AN ACT
TO PROTECT PHILIPPINE FORESTS AMENDING FOR THE PURPOSE SECTION 80
OF PRESIDENTIAL DECREE 705, OTHERWISE KNOWN AS THE REVISED
FORESTRY CODE OF THE PHILIPPINES, AS AMENDED BY PRESIDENTIAL
DECREE 1775

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 80 of Presidential Decree No. 705, as amended by Presidential Decree No. 1775, is hereby amended to read as follows:

"Section 80. Arrest: institution of criminal actions. - A forest officer or employee of the Bureau, (or any) AN OFFICER OF THE PHILIPPINE NATIONAL POLICE OR ANY BARANGAY OFFICIAL (personnel of the Philippine Constabulary/Integrated National Police) shall arrest even without warrant any person who has committed or is committing or attempting to commit in his presence any of the offenses defined in this Chapter, SUBJECT TO SECTION 5, RULE 113, OF THE RULES OF CRIMINAL PROCEDURE. He shall also seize and confiscate, in favor of the Government, the tools and equipment used in committing the offense. The arresting forest officer or employee, OFFICER OF THE PHILIPPINE NATIONAL POLICE OR ANY BARANGAY OFFICIAL shall thereafter deliver within six (6) hours from the time of arrest and seizure, the offender and the confiscated forest products, tools and equipment and file the proper complaint with the appropriate official designated by law to conduct preliminary investigation and file information in Court.

If the arrest and seizure are made in the forest, far from the authorities designated by law to conduct investigations, the delivery to, and filing of the complaint with, the latter shall be done within a reasonable time sufficient for ordinary travel from the place of arrest to the place of delivery. The seized products, materials and equipment shall be immediately disposed of in accordance with forestry administrative orders promulgated by the Department Head.

The Department Head may deputize any OFFICER OR EMPLOYEE OF ANY agency OF THE GOVERNMENT, (agency, barangay or barrio official) or any qualified person to protect the forest and exercise the power or authority provided in the preceding paragraphs. Reports and complaints regarding the commission of any

offenses defined in this Chapter, not committed in the presence of any forest officer or employee, AN OFFICER OF THE PHILIPPINE NATIONAL POLICE OR ANY BARANGAY OFFICIAL OR DEPUTIZED OFFICER OR EMPLOYEE OF ANY AGENCY OF THE GOVERNMENT (or any personnel of the Philippine Constabulary/Integrated National Police of any of the deputized officers or officials) shall immediately be investigated by the forest officer assigned in the area (or any personnel of the Philippine Constabulary/Integrated National Police) where the offense was allegedly committed, OR BY ANY QUALIFIED PERSON AUTHORIZED TO PROTECT THE FOREST OR EXERCISE THE POWERS UNDER THIS SECTION who shall thereupon receive the evidence supporting the report or complaint. If there is a prima facie evidence to support the complaint or report, the investigating forest officer (and/or members of the Philippine Constabulary / Integrated National Police) OR BY ANY QUALIFIED PERSON AUTHORIZED TO PROTECT THE FOREST OR EXERCISE THE POWERS UNDER THIS SECTION shall file the necessary complaint with the appropriate official authorized by law to conduct a preliminary investigation of criminal case and file an information in Court."

Section 2. Rules and Regulations. The Department of Environment and Natural Resources and the Department of Interior and Local Government shall jointly issue the rules and regulations of this Act within thirty (30) days after its effectivity.

SECTION 3. Repealing Clause. All laws, executive orders, executive issuances, rules and regulations or part thereof inconsistent or contrary to the provisions of this Act, are hereby repealed or amended accordingly.

SECTION 4. Separability Clause. In case any provision of this Act is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 5. Effectivity. - This Act shall take effect thirty (30) days after its publication in *two* (2) national newspapers of general circulation.

Approved.