

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
1st Regular Session

House Bill No. 1757



Introduced by Representatives PAOLO Z. DUTERTE and ERIC G. YAP

EXPLANATORY NOTE

The Philippines is known for its rich biodiversity of tropical agroforestry which have yet to be completely discovered. Most of which have been left untouched for generations, protected by its local stewards and by organizations that emerged with the common goal of further preserving the country's most treasured forests.

Although there are individuals and organizations who are committed to preserving the country's rich biodiversity, there are still persisting dangers that our forests faced. According to the Global Forestry Watch, Philippines lost 1.34Mha of tree cover from 2001 to 2021. Ninety-two percent (92%) of this tree cover loss occurred in areas where the dominant drivers of loss is deforestation. Amongst the risks brought by deforestation is the depletion of heritage trees.¹

A very significant case is the 300-year-old Philippine Rosewood tree or Toog tree in the San Francisco, Agusan del Sur which is on the verge of being cut down had it not for the objection of the Third-Party Scientific Assessment (TPSA) by the Society of Filipino Foresters, Inc. (SFFI), Department of Natural and Environmental Resources (DENR) and the Local Government Unit (LGU) of San Francisco which found very strong indicators that the tree is indeed healthy and that the Heritage Tree should be preserved and responsibly maintained.

Like this 300-year-old Philippine Rosewood tree, thousands of heritage trees are in imminent danger of being cut down. The lack of protection of heritage trees puts at

¹Global Forest Watch. (2021). "Philippines."

risk the country's biodiversity, ecological preservation, and cultural heritage, among other things.

Through this legislation, safeguards on the protection of the heritage tress are finally instilled and the pursuit towards environmental protection and preservation and cultural heritage policies are being put forward.

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



PAOLO Z. DUTERTE



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AN ACT
PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF HERITAGE TREES
AND FOR OTHER PURPOSES

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Heritage Tree Act of 2022”.

SEC. 2. *Declaration of Policy.* – The State recognizes the importance of Heritage Trees consistent with Article II, Section 16 of the Philippine Constitution of 1987 that provides that “The State recognizes the importance of protecting and advancing the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature” in view of the following:

- a. Community and social value. Heritage trees increase the quality of life by bringing closer natural elements and wildlife habitats into urban settings allowing quality outdoor activities with family, friends, and communities.
- b. Ecological and environmental value. Heritage trees, majestic as they are, significantly contribute to their immediate environment by providing oxygen, improving air quality, climate amelioration, conserving water, preserving soil, and supporting wildlife thereby promoting climate change mitigation.
- c. Cultural and spiritual value. Heritage trees are often where community ideas, customs, belief, and social behavior are deeply rooted.
- d. Ecotourism and economic value. Heritage trees have the intrinsic value of attracting local tourism and creating complementing enterprises thereby adding economic value to nourishing and protecting them especially to government instrumentalities administering them.

SEC. 3. Objectives – This Act shall govern:

- a. The identification, assessment, and declaration of Heritage Trees using scientific standards and criteria by Registered Professional Foresters consistent with Republic Act No. 10690 otherwise known as "The Forestry Profession Act;
- b. Declaration of Heritage Trees by the department of Environment and Natural Resources based on the identification and assessment conducted;
- c. The development, management, and protection of Heritage Trees and vicinities; and
- d. The roles and responsibilities of the concerned LGUs, accredited integrated professional organizations, non-government organizations, the community concerned and the national government.

SECTION 4. *Definition of Terms.* – As used in this Act:

- a. Accredited Integrated Professional Organization (AIPO) – refers to the organization integrating all associations, federations, and groups of licensed foresters that have been accredited by the Profession Regulatory Board for Foresters to be created hereunder, subject to the approval of the Professional Regulation Commission (PRC) created under Republic Act No. 8981, known as the "PRC Modernization Act of 2000", as amended.
- b. Candidate tree – refers to a Tree that satisfies the basic appearance of a Heritage Tree officially nominated by a person or group to a Local Government Unit or the – DENR.
- c. Climate Change Mitigation – refers to human intervention to reduce anthropogenic emissions by sources and removals by sinks of all greenhouse gases including ozone depleting by substances and their substitutes.
- d. Critical vicinity – refers to the minimum area that Heritage Trees require to maintain existence and optimum functionality.
- e. Ecosystem – refers to a community of living organisms interacting with each other and with its environment.
- f. Ecotourism – refers to a form of sustainable tourism within a natural and/or cultural heritage area where community participation, protection and management of natural resources, culture, and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host community and satisfaction of visitors.
- g. Forest – refers to an ecosystem or an assemblage of ecosystems dominated by trees and other natural vegetation; a community of plants and animals interacting with one another and its natural environment.
- h. Forest land – refers to the land of the public domain classified as needed for forest purposes, including both production and protection. They shall include all forest reserves of the public domain.
- i. Forestry – refers to the art science, practice, and business of sustainable management of forest and forestland resources for the production of goods and services and the enhancement of benefits and values of such resources to provide the needs of present and future generations.

- j. Heritage Tree - refers to any healthy native or endemic, exotic, rare, threatened and endangered tree with a minimum girth of five (5) meter (measure at one-half meter above the ground) with consideration to the scientific, rarity, historical, cultural, social, educational, and aesthetic significance of the tree.
- k. Registered Professional Forester - refers to a natural person who holds a valid certificate of registration and a valid professional identification card issued by the Commission (PRC) pursuant to this Act.
- l. Sustainable Forest Management - refers to the process of the watershed-based management of forest land and resources to achieve one or more clearly specified objectives of management with regard to production of continuous flow of desired forest products and ecosystem services without undue reduction of its inherent values, biodiversity and future productivity and without undesirable effects on the physical social environment.

SEC. 5. *Scope and Coverage.* - The provisions and principles of this Act shall apply to all Heritage Trees found within alienable and disposable (A&D) and forest lands, to all protected areas established under the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586, as amended that are not yet legislated as national park: Provided, that the rights shall be respected, as provided for in the Republic Act No. 8371 or the "Indigenous Peoples' Rights Act of 1997", and Provided further, that all forest lands under the management or administration of local government units and other government agencies or instrumentalities shall be managed in accordance with their duly legislated charters and the principles and provisions of this Act.

ARTICLE II IDENTIFICATION, ASSESSMENT, AND DECLARATION OF HERITAGE TREES

SEC. 6. *Nomination of Candidate Heritage Trees.* - All Filipino citizens may nominate a candidate Heritage Tree to the concerned local government units for proper documentation with the following information: local name, location, description, rarity, diameter-at-breast height (DBH), photo documentation, and Tree "administrator" among others. Said LGU will then request the Department of Environment and Natural Resources or Forest Management Bureau (FMB) for assessment.

SEC. 7. *Conduct of Initial Tree Assessment.* - The DENR or FMB shall form a team to conduct assessment candidate Heritage Trees in collaboration with the concerned LGU/s, government instrumentality, and other interest groups. The Initial Tree Assessment shall be based on the standard criteria such as location, rarity, diameter-at-breast-height, biophysical attributes, pathology, and historical accounts of candidate Trees.

SEC. 8. *Third-Party Scientific Assessment (TPSA).* – The DENR or FMB, after its Initial Tree Assessment, shall collaborate with the concerned Accredited Integrated Professional Organization (AIPO) on the conduct TPSA. The AIPO shall then form a composite Team to handle the TPSA that shall evaluate the overall feasibility and viability of the candidate Tree using the acceptable standard agreed with the DENR or FMB. The corresponding TPSA report shall be finalized and endorsed by the AIPO to the DENR or FMB after having validated the findings and observations with the concerned LGU, the community and/or other interest groups.

SEC. 9. *Declaration of Heritage Trees.* – Consistent with the initial assessment and the TPSA Reports, the DENR or FMB shall officially declare the candidate tree as a Heritage Tree through a certificate duly signed by the DENR Secretary or his duly designated representative.

SEC. 10. *Marking and Protection of Heritage Trees.* – Consistent with the declaration of the DENR and FMB of the Heritage Tree, the concerned City or Municipal Government Unit shall endeavor the official marking of the Heritage Tree following the prescribed format including the appropriate logos and information. Lighting arresters shall also be installed appropriately and sufficiently to protect the Heritage Tree.

ARTICLE III

ADMINISTRATION, DEVELOPMENT, AND MANAGEMENT OF HERITAGE TREES AND CRITICAL VICINITIES

SEC. 11. *Heritage Trees Register.* – Once declared, Heritage Trees will be entered into the Heritage Trees Register which is a detailed compilation of Heritage Trees, to raise environmental awareness and recognizing efforts. Said Register shall be developed and maintained by the FMB.

SEC. 12. *Administration of Heritage Trees and Host Areas.* – The LGUs and other government instrumentalities whose areas of jurisdiction encompass Heritage Trees shall have the inherent responsibility of protecting them including their critical vicinities.

Private groups commissioned by any government agency to operate within areas with declared Heritage Trees shall assume the responsibility of protecting them. Minimum responsibility shall include the sanitation, protection, and ensuring that said Trees are free from unauthorized use or occupation of the “critical vicinity”.

The DENR or FMB shall be the primary government agency responsible for the proper administration, development, and management of Heritage Trees as defined in this Act. It shall have the authority to enter into management agreements or issue tenure instruments on behalf of the Government, promulgate rules and regulations for the effective enforcement of this Act, and administratively adjudicate

offenses provided for in this Act in order to facilitate the speedy resolution of forestry-related cases.

SEC. 13. *Adoption of Heritage Trees.* – Any individual or organization with sufficient capability of nurturing and protecting Heritage Trees may do so through application with the FMB. The adopting individual or organization shall clearly indicate, in details, the acts and measures they intend to employ in the “fostering” process that will be annexed in a memorandum of agreement (MOA) to be entered by parties namely the Foster Individual/Organization, the DENR-FMB, and the LGU concerned. Any commerce relating to the adopted Heritage Tree may be allowed provided that the sufficient government duties are fulfilled by the fostering individual or organization.

SEC. 14. *Qualified Foster Individuals or Organizations.* – Foster individual/ or Foster Organization/s must possess the minimum technical knowledge as determined only by a Registered Professional Forester consistent with Republic Act No. 10690 or the Forestry Profession Act through a certificate duly acknowledged by the FMB.

SEC. 15. *Development and Management through Ecotourism.* – Any Heritage Tree developed and managed via an ecotourism venture by a Foster Individual and/or Organization shall have the responsibility of contributing at least 5% of the gross income to the Heritage Tree Trust Fund as provided under Section 17.

SEC. 16. *Expropriation.* – As may be recommended during the TPSA, and endorsed by the DENR or FMB, an area covering a Heritage Tree may be expropriation shall be supported by an LGU ordinance declaring the area as Heritage Tree Site and prescribing productive developments promoting ecological awareness and tourism.

SEC. 17. *Disposition.* – Heritage trees, with the reputation and recognition they have, deserve to be disposed in accordance to the guidelines to be prepared by the FMB and issued by the DENR. As much as possible, a portion of the Heritage Tree shall be carved into a memoire approved by the LGU or Forester individual/organization and displayed in a museum for proper remembrance.

ARTICLE IV SUPPORT MECHANISMS

SEC. 18. *Heritage Tree Trust Fund (HTTF).* – The National Government shall allocate the initial amount of Fifty million pesos (PhP50,000,000) to support the assessment, declaration, protections, and development of Heritage Trees. Said Fund may be augmented through grants, donations, aids, endowments, payment for ecosystem services, and any other contributions received from any individual or organization on a voluntary basis.

SEC. 19. *HTTF Administration.* - The Fund shall be administered by a government financial institution as a trust account managed with utmost prudence thereby ensuring the perpetuity of the Fund. The FMB shall include in the implementing rules and regulations of this Act the guidelines for the management, development, and operations of the HTTF, in collaboration with the concerned professional organization/AIPO, and concerned stakeholders. No amount of the HTTF shall be disbursed to cover and necessary expenses of the FMB and other concerned agencies.

SEC. 20. *Research, Education, Training, and Extension.* - Any Heritage Tree may be a subject of any research activity provided that activities related to it will not compromise its vitality and functionality. Provided, that copies of any research proceedings are furnished to the FMB, concerned LGU, and the Forestry Development Center (FDC) of the University of the Philippines Los Baños for their information and reference.

SEC. 21. *Protection from Future Developments.* - Heritage Trees provide Filipinos with a sense of rootedness and sustainability amidst rapid redevelopment hence are important landmarks --- historically, culturally, and ecologically, therefore should be protected from any future developments detrimental to its existence, vitality, and functionality. No road construction nor public utility project shall be allowed when it compromises the existence of any Heritage Tree.

ARTICLE V ORGANIZATIONS AND GOVERNANCE

SEC. 22. *Local Government Units.* - Consistent with Section 12 of this Act, concerned LGUs shall develop the required enabling mechanisms to enhance the historical, ecological, and/or cultural value of Heritage Trees. This may likewise be linked to their environmental, cultural, and tourism plan anchored on their Comprehensive Land-Use Plans and Comprehensive Development Plans.

SEC. 23. *Other Government Instrumentalities.* - Similar to LGUs, other government instrumentalities, such as government owned and controlled corporation, after having vested with the authority and responsibility, shall ensure that mechanisms that will enhance the historical, ecological, and/or cultural value of Heritage Trees are developed. Under Section 2(10) of the Introductory Provisions of the Administrative Code of 1987, a government "instrumentality" shall refer to any agency of the National Government, not integrated within the department framework, vested with special functions or jurisdiction by law; endowed with some, if not all corporate powers, administering special funds, and enjoying operational autonomy, usually through a charter.

SEC. 24. *Community Participation in Heritage Tree and Site Management.* - In the formulation of development plans pertaining to the management of Heritage Trees and vicinities, the concerned LGU or government instrumentality shall ensure

that the immediate community and interest groups are encouraged to participate in the planning process.

ARTICLE VI OFFENSES AND PENALTIES

SEC. 25. *Unlawful Occupation of Heritage Tree Sites.* - Except for LGU-approved development that is part of the overall Comprehensive Development Plan, any person who, without the authority from the concerned LGU or authorized government instrumentality, occupies any parcel of the Heritage Tree site, shall face forced eviction from the area being occupied, and imprisonment of six (6) years and one (1) day to twelve (12) years.

SEC. 26. *Destruction of Heritage Trees.* - Any person who shall destroy or cause destruction of a Heritage Tree, aids, or abets another person to do so, shall be punished with a fine of not less than Ten million pesos (PhP10,000,000.00) and imprisonment of at least twelve (12) years.

SEC. 27. *Vandalizing Heritage Trees.* - Because the destruction of Heritage Trees poses a threat to society, any person who shall vandalize them shall be ordered to pay for the treatment and related expenses, fined with One hundred thousand pesos (PhP100,000.00), and/or penalized with imprisonment of not less than six (6) months.

SEC. 28. *Prohibition on the Issuance of Land Titles or Tax Declarations on Heritage Tree Sites.* - All land titles and tax declaration issued over Heritage Trees sites shall be deemed *void ab initio*. Any person who shall issue land titles and tax declarations over any Heritage Tree site or a parcel thereof shall be punished with imprisonment of (12) years and fine of not less than One million pesos (P 1,000,000). The accessory penalty of disqualification shall be imposed for a period of twelve (12) years and one (1) day.

SEC. 29. *Non-Payment nor Non-Remittance of Fees and Charges.* - Any person who fails to pay the amount due and payable as fees or charges pertaining to the use of any portion of a Heritage Tree site to the government or remit the same to the proper authorities within the prescribed period shall be fined with Five hundred thousand pesos (PhP500,000), and/or penalized with imprisonment of at least six (6) years.

SEC. 30. *Non-Establishment of Heritage Tree Sites.* - Every local government unit shall establish and maintain Heritage Tree Sites pursuant to their Comprehensive Land Use and Development plans. Funds for the establishment and maintenance of the same shall form part of the LGUs annual budget. Any local government unit or government unit or government instrumentality who fails to establish and protect Heritage Trees as provided in the preceding paragraphs shall be penalized with a fine of not less than Ten million pesos (PhP10,000,000.00).

ARTICLE VII
ADMINISTRATIVE PROVISIONS

SEC. 31. *Administrative Authority of the concerned LGUs to Impose Fines* – In all cases of violations of this Act and related laws, rules, and regulations where fine is the principal penalty, the Local Chief Executive concerned, after having been authorized by the concerned Legislative Body, is hereby authorized to impose administratively the penalty consisting of the amount and the schedules of the fine which shall be officially published in a national newspaper of general circulation.

SEC. 32. *Fines Escalation Clause*. – The fines herein prescribed shall be increased by at least ten percent (10%) every five (5) years to compensate for inflation and to maintain the deterrent function of such fines.

SEC. 33. *Suits and Strategic Legal Action Against Public Participation and the Enforcement of this Act*. – Where a suit is brought against any official or employee of the Government who filed an action as provided in this Act, or against any official or employee of the Government that implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or the court, as the case may be, shall dismiss the complaint. In addition, the court shall award the attorney's fees and double the amount of damages. This provision shall also apply and benefit public officer who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

The Rules of Procedure for Environmental Cases shall govern the procedure in civil, criminal, and civil actions involving the enforcement or violations of this Code including actions treated as a SLAPP as provided in this section.

SEC. 34. *Citizen's Suit*. – For the purposes of enforcing the provisions of this Act or its implementing rules and regulations, any Filipino citizen may file an appropriate civil, criminal or administrative action in the proper court/body against: (a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; (b) The LGU or other government instrumentality mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act; and (c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuses his authority in the performance of his duty; or, in any manner improperly performs his duties under this Act or its implementing rules and regulations: Provided, however, That, no suit can be filed until after a thirty (30)-day notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon. The court shall exempt such action from the payment of filing fees, upon *prima facie* showing of the non-enforcement or violations complained of and exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

In the event that the citizen should prevail, the court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SEC. 35. *Implementing Rules and Regulations.* - The DENR or FMB, in consultation with other the League of Municipal and Provincial Governments, concerned government instrumentalities, concerned AIPO, charged with the administration and enforcement of this Act shall promulgate the necessary implementing rules and regulations within one (1) year from effectivity of this Act.

SEC. 36. *Appropriations.* - The mount necessary to fully implement the provisions of this Act shall be included in the annual General Appropriations Act. For local government units, the funding requirements shall be taken from their internal revenue allotment (IRA) and other sources of income derived from the shares from the different modes of agreement.

SEC. 37. *Separability Clause.* - The provisions of this Act are hereby declared to be separable, and in the event one or more of such provisions are held unconstitutional, the validity of the other provisions shall not be affected thereby.

SEC. 38. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 39. *Effectivity.* - This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,