

[PRESIDENTIAL DECREE NO. 389, February 05, 1974]

CODIFYING, REVISING AND UPDATING ALL FORESTRY LAWS, AND FOR OTHER PURPOSES. [*]

WHEREAS, there is a serious need to effectively conserve the Nation's public forests including watershed areas, to protect and preserve national parks, and at the same time, to provide suitable agricultural land for our people;

WHEREAS, upon my instructions, the Department of Agriculture and Natural Resources has prepared, drafted and completed the codification, revision and updating of forestry laws to conform with, and in pursuance of the provisions of the New Constitution;

WHEREAS, the adoption of the Code as part of the law of the land will achieve the following results, among others:

1. The gradual phasing out of log exportation and accelerated development of the local wood processing industry through a system of disincentives and incentives;
2. Additional revenue to support the expanded responsibilities of the Bureau of Forest Development in land classification, forest protection, reforestation of denuded watersheds, continuing census of settlers and *kaingin* management in public forest, forest research and development;
3. The abolition of short-term licenses and the granting of long-term license agreements of 10 and 25 years to afford the grantee security of tenure, thus, assuring the effective conservation of the forest and elimination of petty graft resulting from periodic renewal of such timber licenses;
4. Abolition of the requirement of one processing plant for each concession and inducing the establishment of economic-sized plants located near shipping points, which can adequately compete in foreign markets in terms of quality and pricing of output;
5. Acceleration of land classification and immediate proclamation of permanent forest reserves;
6. Resettlement or integration of settlers in public forests through a system of *kaingin* management. This involves a complete and continuing census of all occupants of public forest, including their location, in order to determine valid claims and prepare action plans for integrating such occupants into the socio-economic mainstream; and
7. Revitalization of the Forestry Agency (Bureau of Forest Development). Adopted and made part of this Code is the merger of the Bureau of Forestry, Reforestation Administration, and the Parks and Wildlife Office, as already embodied in the Integrated Reorganization Plan approved under Presidential Decree No. 1; and

WHEREAS, the urgency of giving force and effect to this measure in the quickest possible manner and time cannot be overemphasized, the Filipino people having witnessed and suffered from the last catastrophic floods and droughts throughout the Archipelago;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, in order to accelerate the classification of our remaining unclassified forest lands into alienable or disposable public lands and permanent forests and conserve the latter for the benefit of the present and future generations of this country, do hereby order and decree the following:

ARTICLE I — TITLE AND POLICY

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

SEC. 2. *Declaration of Policy.* — It is the policy of the State:

- a. To promote the wise utilization, conservation and development of the forest resources of the country, including their associated services relating to water supply, recreation and wildlife preservation;
- b. To safeguard the national interest in the maintenance of a wholesome ecological environment;
- c. To accelerate the rehabilitation of denuded lands, including those under private ownership; and
- d. To provide a stable forestry agency and a body of laws and regulations adequate to achieve the national policy.

ARTICLE II — ORGANIZATION AND JURISDICTION OF THE BUREAU OF FOREST DEVELOPMENT

SEC. 3. *Merger and Organization of Forestry Agencies.* — For the purpose of carrying out the policies established under this Code, the Bureau of Forestry, the Reforestation Administration, the Parks and Wildlife Office and such other government agency, instrumentality or special project as are performing related functions, 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 Bureau. The Bureau shall be directly under the control and supervision of the Secretary of the Department of Agriculture and Natural Resources, hereinafter referred to as Department Head.

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.

All positions in the three merged agencies are considered vacated. Present occupants may be appointed in accordance with a plan of organization prepared by the Director as 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 filled by any other qualified applicant.

SEC. 4. *Qualification of the Director and Assistant Director.* — 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. 5. *Creation of Functional Divisions and Staffs.* — There is hereby created the following divisions:

- a. *Planning and Evaluation Division* which shall have the following functions: (1) undertake economic, organization and management research relative to forest land management and forest industry development; (2) prepare long-range and annual programs of work; (3) guide the preparation of multiple-use plans for the public forest; (4) evaluate, through a system of field inspection, the quality and quantity of performance as measured against established policies, goals and standards; (5) establish standards for land classification in the public forest; (6) recommend changes in laws, regulations, policies and procedures as needed to achieve agency objectives; (7) maintain agency manuals; and (8) perform such other functions as may be provided by law.

This Division shall consist of functional sections, namely: Program Planning, Performance Evaluation, Forest Economic and Management Analysis.

- b. *Administrative Division* which shall have the following functions: (1) advise management on personnel policies and administration; (2) develop and administer a personnel program on selection and placement, classification and pay, career and employee development, training, performance rating, employee relations, health and welfare service; (3) inform the public about the policies, plans, activities and accomplishments of the Bureau; (4) develop and improve budgetary methods, procedures, and justifications, provide fund estimates in support of the Bureau's operations, plans, and programs; and provide for the systematic release and control of fund allotments to the various units of the Bureau; (5) maintain basic and subsidiary accounting records and books of accounts to reflect financial transactions; (6) certify to the availability of funds, obligate funds, process vouchers or claims, and prepare financial reports; (7) file and maintain necessary records and establish a records disposition program; (8) provide mail, transportation, messengerial, and general utility services for the Bureau; (9) procure, store, and distribute supplies and equipment and conduct periodic inventories of the same; (10) provide cashiering services; (11) and perform such other functions as may be provided by law.

This Division shall consist of functional sections, namely: Personnel, Budget, Accounting, Information and General Services.

- c. *Legal Staff* which shall have the following functions: (1) provide legal counsel and assistance to the Director and various organizational units of the central office concerning the interpretation and application of forestry, reforestation, parks, and wildlife laws; (2) assist the regional staffs in resolving complex legal problems involving violations of laws, rules and regulations; (3) appear in courts and administrative bodies in behalf of the Director and other personnel of the Bureau on cases arising from the lawful discharge of, or erases related to the functions of their offices; (4) conduct investigations regarding cases filed against employees of the Bureau and submit recommendations; and (5) perform such other functions as may be provided by law. The Legal Staff shall

be directly under the Office of the Director.

- d. *Silviculture Division* which shall have the following functions: (1) maintain a current inventory of timber resources in the public forest, including virgin, cut-over and degraded forests; (2) design silvicultural systems for commercial and noncommercial timberlands; (3) prepare guidelines for working unit plans; (4) provide standards for the conduct of post harvest diagnostic surveys and timber stand improvement activities in the public forest; (5) prepare the program for reforestation and disease and insect control; (6) insure that the boundary of the permanent public forest is established in accordance with the land classification standards prescribed by the Planning and Evaluation Division, and undertake the initial marking of the boundary; and (7) perform such other functions as may be provided by law.

This Division shall consist of functional sections, namely: Silviculture and Reforestation, Timber Inventory, Working Unit Plans and Land Classification.

- e. *Forest Protection and Utilization Division* which shall have the following functions: (1) plan and develop, within the public forest, the programs for protecting the public forest, reforestation projects, national parks and wildlife sanctuaries from fire and encroachment; (2) provide guidelines for the effective enforcement of fish and game laws and regulations; (3) prescribe standards and procedures for the issuance of forestry licenses or permits; (4) issue timber licenses and establish guidelines in the processing of applications for leases and in the preparation of operating plans for the removal of timber and minor forest products in accordance with working unit plans; (5) develop a program for the resettlement of shifting cultivators occupying the public forest; (6) formulate a program for the protection and rehabilitation of watersheds; (7) develop, install and provide technical supervision in the maintenance of forest transportation and communication systems, buildings, and other structural facilities associated with the public forest; and (8) perform such other functions as may be provided by law.

This Division shall consist of functional sections, namely: Timber Operations, Land Uses, Watershed Management, Utilization, *Kaingin* Management, and Forest Protection and Engineering.

- f. *Parks, Range and Wildlife Division* which shall have the following functions: (1) formulate the outdoor recreation programs in public forests, national parks, including marine parks and other related recreation units; (2) establish the carrying capacity and range-use requirements on suitable grasslands in the public forest; (3) set standards for the issuance of grazing permits to ensure that the utilization of public range lands is in accordance with watershed and wildlife habitat requirements; (4) determine the need for, and recommend, the establishment of wildlife sanctuaries; (5) establish wildlife habitat requirements for application in the managed forest; (6) recommend season, bag and/or creel limits of game and fish within the public forest and the marine parks, lakes and other inland waters which may be under the jurisdiction of the Bureau; and (7) perform such other functions as may be provided by law.

This Division shall consist of functional sections, namely: Parks Management,

Recreation Management, Wildlife Management and Range Management.

- g. *Forest Research Division* which shall have the following functions: (1) conduct problem analysis, design and implement program of basic and applied research on the protection and utilization of the soil, water, timber, range, wildlife habitat and recreation resources of the public forest including silviculture, ecology, forest pests and diseases, range, wildlife and forest environment; and (2) perform such other functions as may be provided by law.

This Division shall consist of functional sections, namely: Silviculture, Range and Wildlife, Watershed Management, Pests and Diseases, and Field Research Services.

The Department Head, upon recommendation of the Director, may create such additional divisions, sections or units as may be deemed necessary to meet the demands for better forest administration. He may likewise create, upon recommendation of the Director, a central research institute for the purpose of collaborating with and reinforcing the Forest Research Division.

SEC. 6. *Creation of Regional and District Offices.* — For the efficient and effective implementation of the program of the Bureau, there shall be created at least eleven (11) regional offices. In each region, there shall be as many forest districts as may be necessary, in accordance with the extent of forest area, established work loads, need for forest protection, fire prevention and other factors, any law to the contrary notwithstanding.

SEC. 7. *Jurisdiction of the Bureau.* — The Bureau shall be responsible for the effective, efficient and economic classification, protection, development, management, regeneration, reforestation, occupancy and use of all public forest and forest reserves; the granting of licenses or permits for the taking or use of forest products therefor or the occupancy or use of the public forest; the implementation of multiple-use and sustained yield management in the public forest, and a comprehensive program of forest research; the protection, development and preservation of national parks, game refuges and wildlife; the implementation of a continuing program of *kaingin* management within the public forest; the enforcement of forestry, reforestation, parks, games and wildlife laws. The Bureau shall, in collaboration with appropriate government agencies, extend assistance towards the development, utilization and rationalization of the wood industries; regulate the operation of sawmills, veneer and plywood mills and other wood processing plants; conduct studies of domestic and world markets; provide and support industrial operations within the public forest; and support fiscal policies associated therewith.

SEC. 8. *Adoption by Reference.* — Except as specifically provided in the preceding sections, the provisions of the Integrated Reorganization Plan under Presidential Decree No. 1, dated September 24, 1972, and Letter of Implementation" No. 9, dated November 1, 1972, with respect to the Bureau, the regional offices, their organization, staffing, and other matters as are hereby related, are deemed adopted as part of this Code.

SEC. 9. *Regulation of the Bureau.* — The Director shall, with the approval of the Department Head, promulgate such rules or regulations as are deemed expedient or necessary for the protection, conservation, development, occupancy and use of the public forest, including national parks, game refuges and bird sanctuaries in such a