

**[ PCA ADMINISTRATIVE ORDER NO. 01, March 19, 1998 ]**

**AMENDED IMPLEMENTING RULES AND REGULATIONS OF  
REPUBLIC ACT NO. 8048**

**Article I - Preliminary Provisions**

*SECTION 1. Title* — This Rules and Regulations is promulgated by the Philippine Coconut Authority pursuant to Section 7 of Republic Act No. 8048, entitled AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF COCONUT TREES, ITS REPLENISHMENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES, otherwise known as the "Coconut Preservation Act of 1995".

*SECTION 2. Declaration of Policy* — Considering the importance of the coconut industry in the nation building being one of the principal industries and one of the largest income earners of the country, it becomes mandatory for the Government to step-in and regulate the unabated and in discriminate cutting of the coconut trees . For the reasons of the national interest, it is hereby declared the policy of the state to provide for the regulation of cutting of coconut trees as well as to promote the growth of the industry by embarking on a sustainable and efficient replanting program.

*SECTION 3. Definition of Terms* — In addition to Section 3 of the Act, the following terms and phrases shall mean:

- a. **Disease infested Tree** - refers to a severely impaired tree due to bacteria, fungus, or virus, viroid and the chances of its survival and being economically productive is nil;
- b. **Pest infested Tree** - refers to a tree severely damaged by rhino beetle, spike moth, caterpillar and other destructive insects and animals.
- c. **Sound management practice** - refers to procedures and decisions which are scientifically proven, or accepted cultural practice that enhances farm production or productivity;
- d. **Sawmill** - refers to a wood processing plant or implement operated mechanically and installed in a fixed site or mobile carrier where coconut wood, log or timber is cut, treated, sawn or ripped into lumber, slabs and other wood products of any size or form such as poles, piles, wall wood, boards, pulp, or other finished coconut wood product;
- e. **Lumber Dealer** – refers to a person or entity duly registered with PCA and engaged in buying or selling, or both, or coconut log, timber and/or coconut tree

lumber;

f. **Lumber Processor** - refers to a person or entity engaged in the processing of coconut logs into lumber, slabs and other wood products of any size or form such as poles piles, wall wood, board pulp, and/or finished coconut wood products.

g. **Registration** - refers to the registration certificate issued by PCA to coconut wood sawmills, coconut wood/lumber, dealers/traders/processors;

h. **Implementing Rules and Regulations** - refers to the rules and regulations promulgated by PCA including guidelines, circulars, orders and memoranda issued to supplement the same.

*SECTION 4. Interpretation* — This Rules shall be strictly interpreted to preserve productive coconut trees from unabated and indiscriminate cutting. Nothing in this Rules shall be applied, construed or interpreted to circumvent, or defeat the security of tenure or the rights and benefits of farmers, tenants, farm-lessees, tillers and regular farm workers prescribed by the Comprehensive Agrarian Reform law (R.A. 6657).

## **Article II - Prohibition**

*SECTION 5. General Rule* - Consistent with the guiding policies, the cutting of coconut trees is hereby prohibited.

*SECTION 6. Exception* - Coconut trees may be cut only if all the following requisites exist;

(a) There exists a valid ground as enunciated in Section 4 of the Act.

i. When the tree is sixty (60) years old or more;

ii. When the tree is no longer economically productive;

iii. When the tree is severely disease-infected and/or pest-infested;

iv. When the tree is damaged by typhoon or lightning;

v. When the agricultural land devoted to coconut production shall have been approved for conversion into residential, commercial or industrial areas by the Department of Agrarian Reform;

vi. When the land devoted to coconut production shall be converted into other agricultural uses or other agriculture-related activities pursuant to a conversion duly applied for by the owner and approved by the proper authorities: Provided, That a Permit to Cut shall not be issued by the PCA until after it shall have been verified and certified that for a period of at least three (3) years the majority of the coconut trees have become senescent and economically unproductive or where the coconut is not adaptable to sound management practices on account of geographical location, topography, drainage and other conditions rendering the farm economically unproductive; and

vii. When the tree would cause hazard to life and property;

b. A valid application has been made and the corresponding application fee of Twenty-Five (P 25.00) Pesos for every tree applied for cutting has been paid.

c. The applicant has already planted the equivalent number of coconut trees applied for cutting as attested by the PCA Agriculturist, the Barangay Chairman and the head of the Small Coconut Farmers Organization (SCFO) or other PCA-recognized/accredited farmers/non-government organization in a Certification of Field Planting, except when the ground for cutting is conversion of the area into industrial, commercial or residential sites or that the land on which the coconut trees are grown has been converted into other agricultural purposes in accordance with law.

d. A valid permit to cut has been issued by PCA or a city or municipal mayor to whom the authority to issue permit to cut has been delegated by the PCA.

For this purpose, illegal cutting of coconut trees shall include any form of circumvention such as uprooting or felling, poisoning, burning, and the like which lead to their eventual destruction, death or removal.

**SECTION 7. Evidence of Dispossession** — (a) Cutting of coconut trees in tenanted farms in violation of this Rules shall be deemed prima facie evidence of dispossession, unlawful ejectment or deprivation of the rights and benefits of the farmer-tenants, tillers or regular farmworkers under the Comprehensive Agrarian Reform Law or its Implementing Rules.

b). Such incidence of dispossession, ejectment or deprivation shall be reported and recommended by PCA to the Department of Agrarian Reform (DAR) for prioritization in land acquisition and distribution under the Comprehensive Agrarian Reform Law.

c). The PCA shall further recommend to DAR as a reasonable award in favor of the farmer such amount of income on the part of the farmer, tiller or farmworker.

### **Article III - Standards**

**SECTION 8. Economically Unproductive** — a) Coconut trees are deemed no longer productive if:

i. They have reached the age or condition of senescence which begins at the age of sixty (60) years and that for the last preceding three (3) calendar years, there has been no improvement or increase in their nut-bearing capacity.

ii. Due to senescence as described in the preceding subparagraph, or the non-suitability of the land or area, the yield of the tree is eighteen (18) nuts or less per year.

b. For conversion to other agricultural uses or other agriculture-related activities, it shall be the duty of the authorized PCA Agriculturist to examine, evaluate and verify whether for the period of three (3) calendar years immediately preceding the application, the majority of the trees in the land are senescent and economically

unproductive as described in paragraph (a) [i] and [ii] of this Section.

No permit shall be issued unless all the aforementioned conditions are duly established and certified by the authorized PCA Official.

*SECTION 9. Cost of Production* — To determine the economic gain as a measure of productivity of a coconut tree or farm, the following shall be deducted:

a. If the final product is copra: (i) cost of harvesting which includes picking and piling; (ii) cost of loading and hauling; and (iii) cost of processing, which includes husking, splitting, scooping, and drying.

b. If the final product is green nuts, the cost items above shall be deducted except cost of processing.

c. If the final product is husked nuts, the costs in items a.i and a.ii, and cost of husking shall be deducted. This Section shall neither apply to nor include secondary crops other than coconut.

*SECTION 10. Disease Infestation* — (a) Disease in coconut trees shall be a ground for cutting only upon certification by the PCA Agriculturist that:

i. He has verified and confirmed that the tree applied for cutting is infected with pest or disease.

ii. The infested trees are no longer capable of rehabilitation thru preventive measures such as application of chemicals or nutrient support;

iii. The infestation is such that it will spread to other trees or farms;

b) Infested trees shall be subject to quarantine and shall not be allowed for processing, sale, transport or transshipment;

c) Quarantined trees shall be disposed of by the owner thru burning under the supervision of the PCA Agriculturist.

*SECTION 11. Conversion into Residential, Commercial or Industrial Areas* — (a) The authority to approve or disapprove conversion of land devoted to coconut production for residential, commercial or industrial use shall be the exclusive jurisdiction of the Secretary of the Department of Agrarian Reform.

b. Applications for conversion under this Section shall comply strictly with the requirements and procedures of DAR Administrative Order No. 12, Series of 1994, entitled "*Consolidated and Revised Rules and Regulations Governing Conversion of Agricultural Lands to Non-Agricultural Uses*".

*SECTION 12. Hazard to Life and Property* — (a) The coconut trees are situated such that they pose immediate threat, danger, or obstruction to:

i. existing houses, homes, animal dwelling, business establishments, buildings;

- ii. *plazas, playgrounds, promenades, and public places frequented by people;*
- iii. *public roads and highways, rights of way, ports, dams, irrigation, and waterways;*
- iv. *electric, telephone, communication lines or installations;*
- v. *other properties whose value or use is greater than the coconut trees which pose the threat, danger or obstruction.*

b) Cutting of trees due to the exercise of the power of eminent domain or expropriation, shall be governed by the appropriate laws, regulations, ordinances.

#### **Article IV — Application for Permit to Cut**

*SECTION 13. Filing of Application* — a) Applications to cut coconut trees shall be filed in writing in accordance with the form prescribed by the PCA, stating the specific causes and circumstances therefor.

b. Applications for Permit to Cut coconut trees on the ground of conversion to industrial, residential or commercial use pursuant to Section 4 (e) of the Act shall not be approved by the PCA in the absence of a final conversion order or certification of exemption issued by the Department of Agrarian Reform. In such applications, the PCA shall conduct its own inspection of the area sought to be converted in order to determine the condition of the coconut trees therein and shall thereafter submit its certification to the DAR. In order to defray the administrative expenses of PCA in rendering said inspection services, the applicant shall pay the PCA simultaneously with the filing of the application an inspection fee of P 100.00 per hectare or every fraction thereof which fee shall accrue in favor of the PCA Provincial Office where the application is being made.

Notwithstanding the issuance of the final conversion order or certificate of exemption by the Department of Agrarian Reform, the cutting of coconut trees in the land approved for conversion shall at all times be covered by a Permit To Cut duly applied for by its owner and approved by the PCA.

*SECTION 14. Who May Apply* — The following may apply for a permit to cut:

- a. Landowner/s or duly authorized representative; in case co-ownership, the controlling majority of the co-owners shall attach their written consent to applications;
- b. Tenant, tiller, farm worker with the consent of the owner
- c. Owner of land/property that is endangered by coconut tree/s in an adjacent land or farm.

*SECTION 15. Where to Apply* — The application shall be filed with the Provincial Coconut Development Manager in the PCA Provincial Office or the Agriculturist in the PCA Municipal station nearest the area where the trees are situated.

*SECTION 16. Supporting Documents* — The application shall be accompanied with