

**[PCA ADMINISTRATIVE ORDER NO. 01, August
29, 1995]**

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

Article I
Preliminary Provisions

SECTION 1. Title - These Rules and Regulations are 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. Guiding Policy - To prevent the imminent collapse of the coconut industry and to promote the general welfare of the coconut farmers and the Filipino people:

- a. it becomes mandatory for government to step in and regulate the unabated and indiscriminate cutting of coconut trees; and
- b. The state, in cooperation with the private sector, shall embark on a sustainable and efficient replanting program to replenish the dwindling number of coconut trees, complemented by coconut-based farm productivity and livelihood enterprises to increase farm income.

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

- a. Disease infested 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 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 the registration certificate issued by PCA to coconut wood sawmills, coconut wood/lumber dealers/traders/processors;

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

g. 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 - These Rules shall be strictly interpreted to preserve productive coconut trees from unabated and indiscriminate cutting. Nothing in these 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. Exception - Consistent with the guiding policies, the cutting of coconut trees shall be prohibited except for the causes and circumstances enumerated in Section 4 of the Act, and only upon the issuance of a permit by the PCA or its duly delegated representatives.

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 6. Evidence of Dispossession - (a) Cutting of coconut trees in tenanted farms in violation of these 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 foregone or disturbance compensation to be paid by landowner who violates these Rules resulting to the loss of income on the part of the farmer, tiller or farmworker.

Article III Standards

SECTION 7. 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, it shall be the duty of the authorized PCA Agriculturist to examine, evaluate and verify whether for the period of three (3) 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 8. 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 filing; 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 times 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 9. Disease Infestation - (a) Disease in coconut trees shall be a ground for cutting only upon certification by the PCA Agriculturist that:

i. An epidemiological study has been conducted confirming and identifying the 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 and infect 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 10. 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 11. Hazard to Life and Property - (a) The coconut trees must be 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 12. Filing of Application - 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.

SECTION 13. Who may apply - The following may apply for a permit to cut:

- (a) Landowner or duly authorized representative
- (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 14. Where to Apply - (a) 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.

(b) If the application involves not more than five (5) trees, it may be filed with the Barangay Chairman who shall forthwith notify the PCA Agriculturist of such applications.

SECTION 15. Supporting Documents - The application shall be accompanied with the following supporting documents:

- (a) Any document which sufficiently identifies the applicant (i.e. Community/Residence Certificates, Voter's I.D.s' Driver's License, Barangay I.D./Certificate)
- (b) Proof of ownership or legal possession of the affected land (TCTs, Tax Declaration, Tenancy/Leasehold Agreement, Transfer Certificate from DAR, Notarized Deeds of Conveyance or Mortgage, etc.)

(c) Other supporting documents/certificates hereinafter required under these Rules.

Article V - Processing of Application

SECTION 16. Completeness of Application - (a) The PCA Agriculturist shall ascertain the completeness of the application on its face and its supporting documents.

(b) Applications failing to comply strictly with the requirements in the preceding Article shall not be acted on and shall be returned to the applicant with the corresponding notice stating the reasons therefor.

SECTION 17. Verification - (a) After ascertaining the completeness of the application, the PCA officer concerned shall verify the truth of the information contained therein, and conduct the necessary field and ocular inspection or investigation, as well as the consultations hereinafter required.

(b) The PCA Agriculturist shall inform the applicant, farmers or representatives of their organization and the Barangay Chairman of the date and time of the inspection and invite them to attend as witnesses. Their non-appearance after due notice shall be deemed as a waiver to witness the inspection.

(c) The PCA Agriculturist shall confirm and certify the existence or non-existence of the causes and circumstances to warrant the issuance or non-issuance of a permit.

SECTION 18. Consultations - Before any final recommendation may be made by the PCA Agriculturist, he must further satisfactorily show that:

(a) Consultations have been made with -

- i. the farmer-tenants, tillers and regular workers occupying or working on the affected farm.
- ii. the Barangay Chairman, and the Municipal Agrarian Reform Officer, in case of conversion to other uses; and
- iii. at least one (1) PCA recognized/accredited farmer's organization or Non-Government Organization, whichever is existing in the locality, representing and promoting the interest of coconut farmers.

(b) Proof of actual consultation must be shown in the form of a certification duly signed by the persons/organization representatives mentioned in the preceding subparagraph.

SECTION 19. Report and Recommendation - (a) After the verification and field investigation, the PCA Agriculturist shall prepare and submit to the Provincial Coconut Development Manager his full Findings and Recommendations certifying the existence or non-existence of the causes, circumstances and reasons which may warrant the issuance or non-issuance of the permit, the location and area of the land, and the number of trees recommended for cutting.

(b) The PCA Agriculturist shall ascertain that the trees recommended for cutting are properly marked and identified.

(c) The Regional Manager and the affected tenant/tiller/regular farm workers shall be furnished copies of the findings and recommendations.