

**[PHILCOA ADMINISTRATIVE ORDER NO. 01, S.
2013, September 04, 2013]**

**REVISED IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT NO. 8048, AS AMENDED BY REPUBLIC ACT 10593**

Pursuant to Section 7 of Republic Act 8048, otherwise known as the "Coconut Preservation Act of 1995", and Section 8 of Republic Act 10593 "An Act Amending Certain Sections of RA 8048" this Administrative Order is being issued for guidance and compliance of all concerned.

ARTICLE I - PRELIMINARY PROVISIONS

SECTION 1. Title - These Rules and Regulations shall be cited as the Revised Implementing Rules and Regulations of Republic Act 8048, otherwise known as the "Coconut Preservation Act of 1995", as amended by Republic Act 10593 "An Act Amending Certain Sections of RA 8048".

SECTION 2. Purpose - These Revised Rules and Regulations are hereby promulgated to prescribe procedures and guidelines for the effective implementation of RA 8048, as amended, facilitate compliance and achieve the objectives thereof.

SECTION 3. Declaration of Policy - The State recognizes the role of the coconut industry in the economy, it being one of the principal industries and one of the largest income earners for the country, benefits from which should meaningfully be felt by farmers. Thus, it becomes mandatory for the Government to step in and to regulate the unabated and indiscriminate cutting of the coconut trees.

For reason of national interest, it is hereby declared the policy of the State to provide for the regulation of the cutting of coconut trees as well as to promote the growth of the coconut industry by embarking on a sustainable and efficient replanting program.

SECTION 4. Definition of Terms - For the purpose of these Rules and Regulations, the following terms and phrases shall mean:

- (a) Coconut Tree** - scientific name: *Cocos nucifera*, refers to a pinnate-leaved palm that produces an edible fruit called coconut, whether or not bearing fruits, including the newly planted, or replanted young trees at least three (3) years old.
- (b) Coconut Seedling** - refers to the germinated coconut used as planting material.
- (c) Replanting Program** - refers to the program of the Philippine Coconut Authority (PCA) or other accredited organizations, institutions, or the local government to promote production or replenish the coconut trees permitted to be cut by the PCA.
- (d) Planting of equivalent number** - refers to the sowing of seed nuts or planting with such number of planting materials as determined by

the PCA, taking into consideration the rate of culling and mortality, as replacements of the trees applied for cutting.

- (e) Permit to Cut** – refers to the prescribed written license or authorization of the PCA issued after compliance with the requirements and conditions for valid cutting of coconut trees as provided by the Act and Its Rules and Regulations.
- (f) Transport Permit** - refers to a permit issued by the Authority to allow transport of the coconut logs or lumber processed by virtue of a valid Permit to Cut from the place of origin to any province of consignment or destination.
- (g) Illegal Cutting of Coconut Tree** - refers to the cutting of coconut tree without a valid Permit to Cut issued by the authority and shall include any form of circumvention such as uprooting or felling, poisoning, burning and the like, which led to its eventual destruction, death or removal.
- (h) Economically unproductive farm** - refers to a coconut area where the cost of farm production and maintenance is greater than the generated proceeds or income for a period of at least three (3) years.
- (i) Senescent coconut trees** - are coconut trees that are not productive and low yielding by reason of old age.
- (j) Disease Infested Tree** - refers to a severely impaired coconut tree due to bacteria, fungus, virus, viroid and other similar microorganisms, and the chances of survival and capacity to bear fruits are nil.
- (k) Pest Infested Tree** - refers to a coconut tree damaged by rhino beetle, rodents, spike moth, caterpillar, and other destructive insects and animals and beyond rehabilitation.
- (l) Sound Management Practice** - refers to procedures and decisions that are scientifically proven; or accepted cultural practice that enhances farm production or productivity.
- (m) Sawmill** - refers to a wood processing plant or implement operated manually or mechanically, whether fixed or mobile where coconut wood, log or timber is cut, treated, sawn or ripped to lumber, slabs and other wood products of any size or form such as poles, piles, wall wood, board pulp, or other finished coconut wood products.
- (n) Lumber dealer** - refers to a person or entity engaged in the buying or selling or both of coconut logs, timber and/or coconut tree lumber.
- (o) 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, or other finished coconut wood products.
- (p) Registration** - refers to the registration certificate issued by PCA to coconut sawmills operators, dealers and processors of coconut lumber or coco wood products including power chain saws.
- (q) Implementing Rules and Regulations** - refer to the rules and regulations promulgated by the PCA including guidelines, circulars, orders and memoranda issued to supplement the same.

SECTION 5. Interpretation - These Rules and Regulations 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 agrarian reform laws.

ARTICLE II - PROHIBITION

SECTION 6. General Rule - Consistent with the guiding policies, the cutting of coconut trees is hereby prohibited.

SECTION 7. Exception - Coconut trees may be cut only if 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 in the case of tall varieties and at least 40 years old for dwarf varieties;
- ii. When the tree is no longer economically productive;
- iii. When the tree is severely disease-infected and/or pest-infested and beyond rehabilitation;
- iv. When the tree is severely damaged by typhoon or lightning;
- v. When the agricultural land devoted to coconut production shall have been converted in accordance with law into residential, commercial or industrial areas;
- vi. When the land devoted to coconut production shall be converted into other agricultural uses or other agricultural-related activities pursuant to a conversion duly applied for by the owner and approved by the proper authorities; Provided, that no conversion shall be allowed 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.

No other causes other than those above mentioned shall be considered as valid ground for cutting.

(b) A valid application has been filed and the corresponding non-refundable application and cutting permit fees have been paid upon filing of the application.

(c) The applicant has already planted the required equivalent number of seedlings, as certified in a Certificate of Field Planting by the Barangay Chairman and verified and attested to by the PCA Agriculturist for applications not involving Land use conversion. The specific location of the planting site shall be stated in the Certificate of Field Planting issued for this purpose.

The regional/provincial offices concerned must conduct a regular monitoring of the replantings made by the applicants to ensure that the cut coconut trees were replaced. Likewise, a monthly visit to the replanted coconut trees must also be undertaken to guarantee that the newly planted coconut seedlings are being taken care of in accordance

with the recommended principles and practices of good agricultural practices.

If the weather condition is not suitable for planting, the applicant shall pay to PCA Fifty pesos (PhP 50.00) for every tree applied for cutting, in lieu of replanting. The said amount, which is the equivalent of five (5) seed nuts, shall be used by the PCA in its replanting program.

- (d) When the ground for cutting is conversion of the area into residential, commercial or industrial sites or that the land on which the coconut trees are grown has been converted into other agricultural purposes in accordance with law, the applicant shall have procured from a PCA accredited source one (1) seedling for every tree applied for cutting and delivered the same to the PCA nursery or office. The PCA Agriculturist shall issue the corresponding Certificate of Delivery.

In case good quality seedlings are not available the applicant shall pay to PCA One hundred pesos (Php 100.00) for every tree applied for cutting, in lieu of delivering one seedling. The said amount, which is the equivalent of ten (10) seed nuts, shall be used by the PCA in its replanting program.

- (e) A valid Permit to Cut has been issued by a Provincial Coconut Development Manager (PCDM)/Division Chief or Regional Manager or the Administrator.

SECTION 8. Violations in Tenanted Farms

- (a) Cutting of coconut trees in tenanted farm/s in violation of these Rules and Regulations perpetrated by the owner/s thereof shall be deemed prima facie evidence of dispossession, unlawful ejectment or deprivation of the rights and benefits of the farmer-tenants, tillers or regular farm-workers under the agrarian reform laws. The PCA shall report any such incidence to the Department of Agrarian Reform (DAR) for appropriate action.
- (b) Cutting of coconut trees in tenanted farm/s in violation of these Rules and Regulations perpetrated by farm workers/tenants shall be treated as a pure violation of the special law and shall not in a case be considered as agrarian in nature.

If a similar complaint is filed before a regular court or office of the prosecutor and the same is referred by the judge or the prosecutor to the DAR for determination and certification whether an agrarian dispute exists pursuant to Section 50-A of Republic Act 9700 (*Exclusive Jurisdiction on Agrarian Dispute*), PCA and/or the prosecutor shall vigorously oppose the referral as purely a violation of Republic Act 8048, as amended. Any resolution adverse to the PCA and the State shall be appealed within fifteen (15) days to the regional trial court in cases referred to by the municipal trial court and the prosecutor's office, and to the Court of Appeals in cases referred to by the regional trial court.

ARTICLE III – STANDARDS

SECTION 9. Economically Unproductive

(a) Coconut trees are deemed no longer productive if:

- i. They have reached the age or condition of senescence that begins at the age of sixty (60) years in the case of tall varieties and 40 years for dwarf varieties, and that for the last preceding three (3) calendar years, there has been no substantial 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 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 10. Farm Productivity - To determine economic gain as a measure of productivity of coconut farm, the following shall be deducted from the total annual gross sales of the farm from its coconut trees:

(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 "buko" or green nuts, only cost items (i) and (ii) above shall be deducted.

(c) If the final product is husked nuts, the cost items (i) to (ii) plus the cost of husking shall be deducted. This Section shall not apply to or include secondary crops other than coconut.

SECTION 11. Disease Infestation

(a) Disease in coconut trees shall be a ground for cutting only upon certification by the PCA Agriculturist that:

- a. He has verified and confirmed that the tree applied for cutting is infested with pest or disease;
- b. The infested trees are no longer capable of rehabilitation thru preventive measures such as application of chemicals or nutrient support; and
- c. The infestation is such that it will spread to other trees or farms.

(b) Application for cutting coconut trees which by nature of infestation should be subjected to quarantine and may not be allowed for processing, sale, transport or transshipment and shall be exempt from payment of permit to cut, replacement and processing fees. Diseased coconut trees thirty years (30) of age and below which may not be