

BRIEFING ON TREE CUTTING PERMIT

Department of Environment and Natural Resources
Forest Management Bureau



OUTLINE



1. Policies/Regulations on Tree Cutting Permit
2. Requirements for Tree Cutting Permit
3. Procedures in the issuance of Tree Cutting Permit
4. Mechanism Instituted to Mitigate the Impacts of Tree Cutting
5. Forest Charges



Legal Basis



Presidential Decree (PD) No. 705 (AS AMENDED)

Section 77 : *Cutting, Gathering and/or collecting Timber, or Other Forest products Without License.*

“Any person who shall cut, gather, collect, removed timber or other forest products from any forest lands, or timber from A and D, public lands or private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forestry laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code”:





Presidential Decree (PD) No. 705

Section 39

“The utilization of timber in A and D lands, private lands, civil reservations and all lands containing standing or felled timber, including those under the jurisdiction of other government agencies shall be regulated...”





1987 Philippine Constitution

Article XII, Section 2

“The exploration, development and utilization of natural resources shall be under the full control and supervision of the State...”





“It is the obligation of the State to protect the remaining forest cover areas of the country not only to prevent flash floods , but also to preserve biodiversity, protect threatened habitats and sanctuaries of endangered and rare species, and allow natural regeneration of residual forests and development of plantation forests.”





EXECUTIVE ORDER No. 23

Declaring a Moratorium on the Cutting and Harvesting of Timber in the Natural and Residual Forest and Creating the Anti-illegal Logging Task Force”

- *Moratorium on the cutting and harvesting of timber in the Natural and Residual Forest on the entire country was declared by the President of the Philippines.*



Exempted from E.O. 23



- ❑ Clearing of Road-Right-Of-Way by the DPWH
- ❑ Site Preparations for Tree Plantations
- ❑ Silvicultural Treatments
- ❑ “Similar Activities”

Provided that all logs derived from the said cutting permits shall be turned over to the DENR for proper disposal



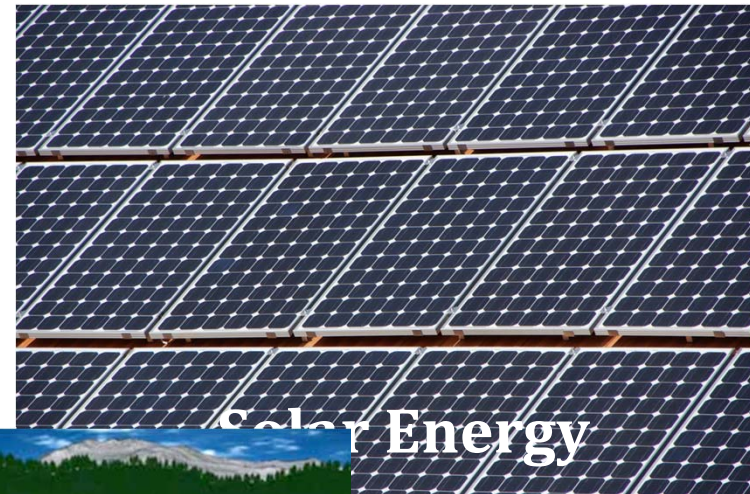
Exemptions under “similar activities” of E.O. No. 23



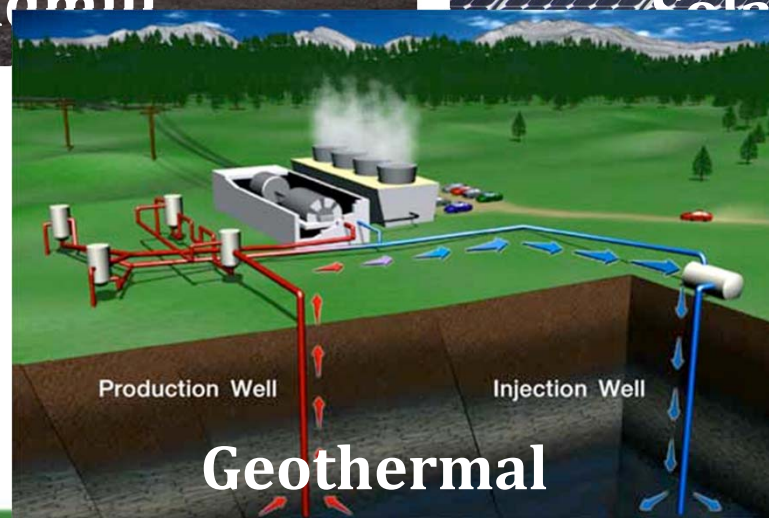
(Memorandum from Executive Secretary Paquito N. Ochoa, Jr. dated October 20, 2011)



Windmill



Solar Energy



Geothermal



Exemptions under “similar activities” of E.O. No. 23



- ❑ Construction of transmission lines, telecommunications sites, substation sites, and other power generation projects, including maintenance activities on existing lines



Exemptions under “similar activities” of E.O. No. 23



- ❑ Infrastructure projects undertaken by government entities through private contractors



Rehabilitation/ Road widening/
Road Right of way



Airstrip

Exemptions under “similar activities” of E.O. No. 23



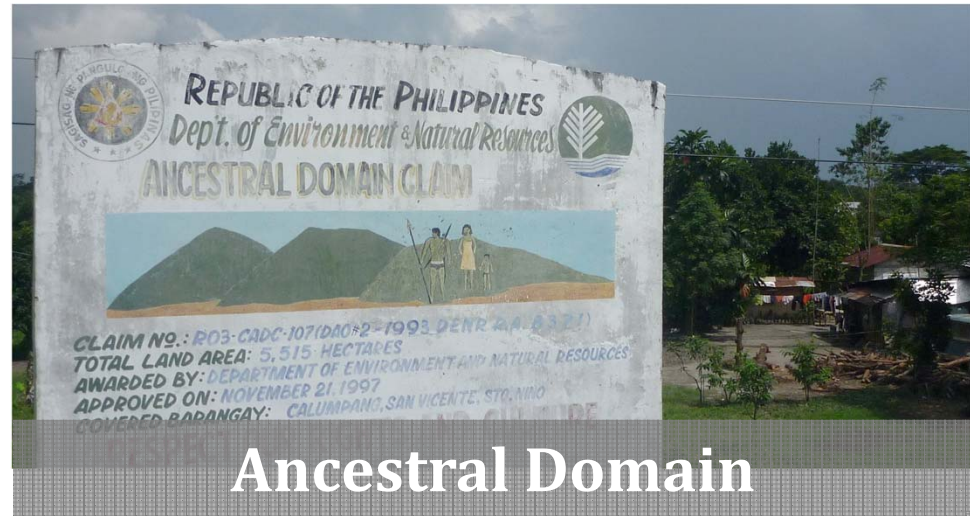
- ❑ Trees in public and private places that pose danger
- ❑ Mining operations with approved Environmental Protection and Enhancement Program (EPEP)
- ❑ Other priority activities of government and government-approved projects and programs and certified as a priority project by the President



Not covered by Exemptions under EO 23



- ❑ Those activities that may involve violation of existing laws that disallow logging



Ancestral Domain



Protected Areas



Critical Watersheds



Conditions for Exemption under EO 23

(Memorandum from Executive Secretary Paquito N. Ochoa, Jr. dated October 20, 2011)

- Compliant with Philippine Environmental Impact Statement System (PEISS)
- Possess valid Environmental Compliance Certificate (ECC)
- Planting of 100 indigenous seedlings (to replace each tree cut)
- Monitoring and reporting by a third party



Directives Related to Tree Cutting



- Memorandum dated April 30, 2012 issued by *Undersecretary and Chief of Staff Atty. Analiza Rebuelta-Teh*

‘The processing of all requests/applications for tree cutting permits are deferred/ suspended until further notice’





Directives Related to Tree Cutting

A. Memo date June 22, 2013

Undersecretary and Chief of Staff Atty. Analiza Rebuelta-Teh

“Clarification on the Suspension on the Processing of All Requests for Cutting Permits”





“The request shall be processed at the field/regional offices and shall be properly endorsed by concerned Regional Executive Director to the Office of the Secretary through the Forest Management Bureau.”



Directives Related to Tree Cutting

B. Memo No. 74 issued February 5, 2013

Undersecretary and Chief of Staff Atty. Analiza Rebuelta-Teh

“Clarification on the Suspension on the Processing of All Requests for Cutting Permits”





“Clarification on the Suspension on the Processing of all Requests for Cutting Permits”

- Cutting of planted trees within private land shall be allowed subject to the Clearance to be issued by the concerned **Regional Executive Director**
- The cutting of planted trees within public forest/timberlands and covered by existing tenure instruments :
 - Clearance from the concerned **Regional Executive Director.** (cutting activity is in accordance with the pertinent plans e.g. IOP, CRMF/5-Year Work Plan, etc. **that is duly approved by the Office of the Undersecretary for Field Operations.**)





Subject to the clearance/permit to be issued by the Office of the Undersecretary for Field Operations

- **The cutting of naturally growing trees, premium species,**
 - within private lands and
 - those to be affected by land development
 - government projects, including those cleared by the Office of the President,

- **Cutting of naturally growing trees within public forest/timberland as provided in the exemptions under Section 2 Item 2.2 of E.O. 23**



C. Memorandum dated 07 March 2013



Signed by USEC Demetrio I. Ignacio, Jr.

“Processing of Special Land –Use Permits (SLUP) with Tree Cutting”

“SLUP and Tree Cutting Permits cannot be processed as one”

- Cutting permits may be processed if there is already an established tenure over the area.
- RED concerned shall issue the SLUP (DAO 98-24)





Recent Directives Related to Tree Cutting

D. Memorandum dated April 28, 2016, of the Undersecretary for Field Operations

The processing and clearing of cutting permit applications for naturally grown and planted trees within Schools/State Universities, Government compounds and Public Hospitals are DELEGATED to the Regional level.





Recent Directives Related to Tree Cutting

D. Memorandum dated April 28, 2016, of the Undersecretary for Field Operations

Applications for tree removal permit for road construction/rehabilitation and other major infrastructure projects (e.g. Power generation, transmission lines and airport facilities) and for all other projects within timberland and proclaimed PAs shall continue to be cleared by the DENR Central Office.





Recent Directives Related to Tree Cutting

E. DAO 07-2016: DENR Manual of Authority on Technical Matters

ACTIVITY	LIMITS OF AUTHORITY	APPROVING AUTHORITY
Tree Cutting Permit	Inside resettlement areas, reservation etc. Trees in public and private places that pose damage to human lives and/or properties as evaluated by DENR	Regional Director
Tree Cutting within FOREST LAND	Naturally Grown Trees -Infested/Dead Tree	Office of the USEC for Field Operations Regional Director (w/ recommendation approved from Head of Research Center)





Recent Directives Related to Tree Cutting

E. DAO 07-2016: DENR Manual of Authority on Technical Matters

ACTIVITY	LIMITS OF AUTHORITY	APPROVING AUTHORITY
Tree Cutting within FOREST LAND	Planted Trees - Covered by existing Tenure	Regional Director
Tree Cutting within Titled/Private Land	Naturally Grown Trees (Non-Premium and Premium Species) Planted Premium	Office of the USEC for Field Operations Regional Director



Recent Directives Related to Tree Cutting



F. Memorandum dated January 25, 2017 “*Clarification regarding the Interpretation of Section 3 of Presidential Decree No. 953*”

- **Section 3 of PD. No. 953** gives LGUs and other government agency heads the authority to decide whether or not to cut trees/plants/shrubs, if and when these are posing danger to life and property, this will still be subject to the issuance of cutting permit by the DENR. The **DECISION** or authority to decide to have the trees cut is different from jurisdiction to issue cutting permit.
- Further, Page 2 of our **Manual of Authorities on Technical Matters (DAO 2016-07)** states that the Regional Director is the approving authority for cutting of trees within public places for public safety or for pruning to enhance beauty.





Requirements for Tree Cutting Permit

- Private/Titled Land
- Public/Timber/Forest Land



Requirements for Tree Cutting Permit Private Land



- Letter of Application
- Authenticated copy of Land title/CLOA with approved sketch map of the area applied for
- Endorsement from any of the following LGU Officials
 - a) Barangay Chairman;
 - b) Municipal/City Mayor or
 - c) Provincial Governor

- *interposing no objection to the cutting of requested trees;*
- Pictures/Photographs of trees to be cut
- Inventory of trees to be cut (100%)(done by DENR personnel)



Requirements for Tree Cutting Permit Public/Timber/Forest Land



- Letter of Application
- Sketch Map of the area showing the relative location of trees to be cut
- Endorsement from any of the following LGU Officials
Barangay Chairman; Municipal/City Mayor or Governor
- *interposing no objection to the cutting of requested trees;*
- Inventory/Inspection report of DENR CENRO concerned
(original tally sheets)
- Pictures/Photographs of trees to be cut
- Earthballing and transplanting plan
- Consent from owner of the land (CLOA)
- Certification that there are no outstanding nor anticipated issues from any sector against the tree cutting **(infrastructure development)**





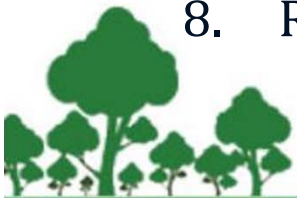
PROCEDURES IN THE ISSUANCE OF TREE CUTTING PERMIT



Procedures in the Issuance of Tree Cutting Permits



1. Filing of application to the nearest DENR-CENRO
2. Conduct of 100% Inventory
3. Endorsement of application and supporting documents thru proper channels (CENRO-PENRO-Region)
4. Endorsement of the RED for the Secretary, DENR thru FMB
5. Review of DENR thru FMB for completion of requirements and data analysis, endorsement to USEC Field Operations.
6. Issuance Permit to the Applicant, Copy Furnished to the RD and PENRO.
7. Implementation, monitoring and evaluation
8. Reporting of compliance thru proper channels





Mechanisms Instituted to Mitigate the Impacts of Tree Cutting



Mechanisms Instituted To Mitigate Impacts of Tree Cutting



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Baguio City



Baguio City

- ❑ Earth-balling of trees with diameter of 15 cm and below



Conditions of Trees to be earth-balled

- Only healthy trees or other vegetation shall be earth-balled and transplanted
- The immediate environment or surrounding of the affected tree or vegetation is free from any structures or impediments to support digging and moving operations. and
- There shall be a suitable and available site for the transplanting of earth-balled trees or other vegetation to guarantee its continuous growth and /or survival



Mechanisms Instituted To Mitigate Impacts of Tree Cutting



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- ❑ Mandatory replacement for every tree cut (1:100) as mandated under **DENR Memorandum Order 2012-02: Uniform Ratio for Cut or Relocated Trees**
- ❑ Replacement ratio for private and forest lands:

Type	Replacement Ratio	Type of Species as replacement
planted trees	1:50	Preferably indigenous tree species
Naturally growing trees and premium species	1:100	Strictly indigenous tree species





DMO 2012-02: Uniform replacement ratio for cut or relocated trees

- Seedling donation and identification of common planting sites shall be encouraged.
- All donated seedlings shall be properly recorded and turned- over to the CENRO concerned
- Tree planting sites shall be delineated on the ground with the corresponding technical description and maps using GPS.





Pursuant to R.A. 7161

All naturally grown trees cut inside private lands shall be subjected to the payment of forest charges.

Planted trees and other forest products harvested from Industrial Tree Plantation area and in private lands covered by existing land titles and by approved land applications are exempted from the payment of forest charges.

The cutting and manifestation of all mangrove species is prohibited pursuant to R.A.7161



**THANK
YOU!**

