

**DENR Administrative Order
No. 2000 – 78
November 07, 2000**

SUBJECT : Regulations in the Recovery and Disposition of Abandoned Logs, Drifted Logs, Sunken Logs, Uprooted and Fire/Typhoon Damaged Trees, Tree Stumps, Tops and Branches.

Pursuant to P.D. 705, as amended and Executive Order 192 dated June 10, 1987 and in order that abandoned logs, drifted logs, sunken logs, uprooted and fire/typhoon damaged trees, tree stumps, tops and branches, hereinafter referred to as retrievable wood materials, may be utilized for the manufacture of lumber and other finished wood products, the following regulations are hereby promulgated for the information and guidance of all concerned:

SECTION 1. *Government Policy* - It is the policy of the government to encourage maximum and wise utilization of forest resources. Towards this end, the DENR shall allow the orderly recovery and disposition of retrievable wood materials found within forestlands, alienable or disposable lands, private lands and along rivers, stream, oceans and other bodies of water.

Sec. 2 *Definition of Terms* - For purpose of this Order, the terms listed hereunder are to be understood and interpreted as follows:

- 2.1 **Abandoned Logs** - logs left within forestlands, alienable and disposable lands and private lands, whose owners or claimants can not be identified.
- 2.2 **Drifted Logs** - logs that are washed out by floods and/or water currents.
- 2.3 **Fire Damaged Trees** - trees damaged by forest fires, that are either dead or living but with a nil chance of survival.

- 2.4 **Private lands** - land(s) covered by either administrative or juridical titles such as Free Patent, Homestead and Sales Patent, and Torrens Titles obtained under the Land Registration Act (Act No. 46, as amended), or under the Public Land Law (Commonwealth Act No. 141). Certificate of Land Ownership Award (CLOA) covering certified A and D lands issued to farmer-beneficiaries under the Comprehensive Agrarian Reform Program (CARP) or the Republic Act No. 6657 (R.A. 6657) shall be included in areas that can be applied for.
- 2.5 **Sunken Logs** - logs found at the bottom of a river/stream, sea cove and other bodies of water.
- 2.6 **Typhoon Damaged Trees** - trees whose tops, branches and trunks were blown away or destroyed by strong wind that are either dead or living but with nil chance of survival.
- 2.7 **Uprooted Trees** - trees that were blown down due to natural causes, the roots of which are exposed above the ground and have a nil chance of survival.
- 2.8 **Wood Recovery Permit** - a permit issued by the DENR to gather/retrieve and dispose abandoned logs, drifted logs, sunken logs, uprooted and fire/typhoon damaged trees, tree stumps, tops and branches.

Sec. 3 *Scope and Coverage* - The recovery and disposition of retrievable wood materials may be allowed subject to the following:

- 3.1 The retrievable wood materials are from naturally grown trees in forestlands, A and D, and private lands and those of planted species found within forestland; and
- 3.2 These logs and other wood materials are free from adverse claim.

Provided, that no Wood Recovery Permit shall be issued covering the NIPAS areas.

Sec. 4 Issuance of Wood Recovery Permit

4.1 **Qualified Applicants** - The following may apply for a wood recovery permit:

- 4.1.1 The Natural Resources Development Corporation (NRDC);
- 4.1.2 The Local Government Units (LGUs) having territorial jurisdiction over the retrievable wood materials;
- 4.1.3 Filipino citizens of legal age; and
- 4.1.4 Partnership, associations, cooperatives or corporations.

The order of priority in the issuance of permit is shown hereunder:

TYPE OF RETRIEVABLE WOOD MATERIALS	PRIORITY APPLICANTS
1. Fire/typhoon damaged and uprooted trees, tree stumps, tops and branches in public lands.	1. Holder of tenurial instruments 2. NRDC 3. LGU 4. Filipino citizen/corporation
2. Fire/typhoon, damage and uprooted trees, tree stumps, tops and branches in private lands.	1. Lot/land owner 2. NRDC 3. LGU
3. Abandoned logs	1. NRDC 2. LGU 3. Filipino citizen/corporation
4. Sunken and drifted logs	1. Finder of the retrievable wood materials 2. NRDC 3. LGU 4. Filipino citizen/corporation

4.2 Procedures

- 4.2.1 **Filing and Evaluation of Application for Wood Recovery Permit** - Applications for wood recovery permit shall be filed with the Community Environment and Natural Resources (CENR) Office concerned. The wood recovery permit shall be issued by the following DENR officials with the corresponding timber volume and period of effectivity.

<i>AUTHORIZED OFFICIAL</i>	<i>NET VOLUME (Cu. m.)</i>	<i>PERMIT EFFECTIVITY</i>
CENRO	Five (5) and less	one month
PENRO	More than five (5) to fifteen (15)	two months
RED	More than fifteen (15) to thirty (30)	three months
SECRETARY	More than thirty (30)	four months to one year

The application shall be forwarded to the Provincial Environment and Natural Resources (PENR) Office, Office of the Regional Executive Director (RED) and/or the Secretary, as the case may be, with their comments and recommendations. Applications for the Secretary's approval shall be coursed through the Forest Management Bureau (FMB) Director for further evaluation. In case of LGU's, their applications shall be accompanied with the bill of materials and building plan of the structures to be built.

- 4.2.2 **Conduct of Timber Inventory** - The CENR Office concerned upon learning of the existence of retrievable wood materials shall conduct or cause the conduct of 100% inventory of these wood materials. They shall be chronologically numbered, photographed and indicated

in a sketch map. The CENR Office shall also collect other relevant data such as log finder, lot owner and location, in the case of a private land where these wood materials are located, and accessibility of the area where these retrievable wood materials are found. The scaling of logs and felled trees, tree stumps, tops, and branches including the determination of natural defects shall be in accordance with the regulations on scaling prescribed under DAO 87-80. For typhoon and fire damaged standing trees that are to be recovered, the applicable volume equation/table for standing trees shall be used and a stand and stock table shall be prepared.

Provided, that, where the applicant is not the NRDC, the applicant shall cause the conduct of the inventory with the close supervision of a forester from the CENR Office concerned. **Provided, further**, on the basis of inventory report, NRDC may waive its right on the recoverable wood materials so that other interested and qualified applicants may be considered in undertaking the recovery operations.

4.2.3 **Inventory Expenses** - The CENR Office expenses in the conduct of inventory of wood materials to be recovered by NRDC shall be charged/refunded by NRDC which amount shall be taken from the gross sales of the retrieved wood materials, while those to be recovered by other persons and entities other than NRDC will be refunded by the party concerned subject to existing rules and regulations

Sec. 5 Terms and Conditions - The terms and conditions of a Wood Recovery Permit are as follows:

5.1 A wood recovery permit may be extended, if necessary, and/or may be terminated once the authorized timber volume is exhausted;

- 5.2 The wood recovery permit holders may be allowed to rehabilitate abandoned logging roads, but prohibited from constructing new roads within forestlands and cutting of standing trees;
- 5.3 The permittee shall only be allowed to gather/recover the inventoried and marked logs/timber trees by the CENR Office concerned;
- 5.4 The permittee shall secure the necessary transport and other related documents before the retrieved wood materials are sold to the buyers/users thereof and/or wood processing plants.

Sec. 6 *Supervision of the Recovery Operation* - The recovery operations of the retrievable wood materials shall be closely supervised by the CENR Officer concerned or through his/her duly authorized representative.

Sec. 7 *Payment of Forest Charges* - Pursuant to R.A. 7161 and existing forestry regulations, forest charges of the retrieved wood materials from naturally grown trees shall be paid by the permittee/licensee to the CENRO concerned; after which, the necessary documents for the transport of the recovered logs shall be issued by the said CENRO.

Sec. 8 *Suspension and/or Cancellation of the Permit* - Any violation or non-compliance with the terms and conditions of the Wood Recovery Permit and other pertinent forestry laws, rules and regulations shall be sufficient ground for the suspension and/or cancellation of the permit without prejudice to the filing of appropriate criminal and administrative charges.

Sec. 9 *Profit Sharing* - The share from the net revenue derived by NRDC from the logs/timber recovery operation shall be 50% for NRDC and 50% for DENR.

Sec. 10 *Separability Clause* If any clause, sentence, section or provision of these implementing rules and regulations is held or declared to be unconstitutional or invalid by a competent

court, the remaining parts of these implementing rules and regulations shall not be affected thereby.

Sec. 11 *Repealing Clause* - All order, rules and regulations inconsistent with this Order are hereby repealed or modified accordingly.

Sec. 12 *Effectivity* - This Order shall take effect immediately upon acknowledgement by the UP Law Center and fifteen (15) days after its publication in two (2) newspapers of general circulation.

(Sgd.) ANTONIO H. CERILLES
Secretary

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