

Republic of the Philippines
Congress of the Philippines
Metro Manila

Twelfth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day
of July, two thousand and two.

[REPUBLIC ACT NO. 9175]

AN ACT REGULATING THE OWNERSHIP, POSSESSION,
SALE, IMPORTATION AND USE OF CHAIN SAWS,
PENALIZING VIOLATIONS THEREOF AND FOR OTHER
PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

SECTION 1. *Title.* - This Act shall be known as the "Chain
Saw Act of 2002".

SEC. 2. *Declaration of Policy.* - It is the policy of the State,
consistent with the Constitution, to conserve, develop and protect the
forest resources under sustainable management. Toward this end, the
State shall pursue an aggressive forest protection program geared
towards eliminating illegal logging and other forms of forest destruction
which are being facilitated with the use of chain saws. The State shall
therefore regulate the ownership, possession, sale, transfer, importation
and/or use of chain saws to prevent them from being used in illegal
logging or unauthorized clearing of forests.

SEC. 3. *Definition of Terms.* - As used in this Act, the terms:

(a) "Chain saw" shall refer to any portable power saw or similar cutting implement, rendered operative by an electric or internal combustion engine or similar means, that may be used for, but is not limited to, the felling of trees or the cutting of timber;

(b) "Chain saw dealer" shall refer to a person, natural or juridical, engaged in the manufacture, importation, distribution, purchase and/or sale of chain saws;

(c) "Department" shall refer to the Department of Environment and Natural Resources; and

(d) "Secretary" shall refer to the Secretary of the Department of Environment and Natural Resources.

SEC. 4. *Persons Authorized to Manufacture, Sell and Import Chain Saws.* - Chain saws shall only be sold and/or imported by manufacturers, dealers and/or private owners who are duly authorized by the Department.

SEC. 5. *Persons Authorized to Possess and Use a Chain Saw.* - The Department is hereby authorized to issue permits to possess and/or use a chain saw for the felling and/or cutting of trees, timber and other forest or agro-forest products to any applicant who:

(a) has a subsisting timber license agreement, production sharing agreement, or similar agreements, or a private land timber permit;

(b) is an orchard and fruit tree farmer;

(c) is an industrial tree farmer;

(d) is a licensed wood processor and the chain saw shall be used for the cutting of timber that has been legally sold to said applicant; or

(e) shall use the chain saw for a legal purpose.

Agencies of the government that use chain saws in some aspects of their functions must likewise secure the necessary permit from the Department before operating the same.

SEC. 6. *Registration of Chain Saws.* - Within a period of three (3) months from the effectivity hereof, all persons who own or are otherwise in possession of chain saws must register the same with the Department, through any of its Community Environment and Natural Resources Office, which shall issue the corresponding registration certificate or permit if it finds such persons to be qualified hereunder.

Every permit to possess and/or use a chain saw for legitimate purpose shall be valid for two (2) years upon issuance: *Provided*, That permits to possess and use chainsaw issued to non-commercial orchard and fruit tree farmers shall be valid for a period of five (5) years upon

issuance. For this purpose, the Department shall be allowed to collect reasonable registration fees for the effective implementation of this Act.

SEC. 7. Penal Provisions.

(1) *Selling, Purchasing, Re-selling, Transferring, Distributing or Possessing a Chain Saw Without a Proper Permit.* - Any person who sells, purchases, transfers the ownership, distributes, or otherwise disposes or possesses a chain saw without first securing the necessary permit from the Department shall be punished with imprisonment of four (4) years, two (2) months and one (1) day to six (6) years or a fine of not less than Fifteen thousand pesos (P15,000.00) but not more than Thirty thousand pesos (P30,000.00) or both at the discretion of the court, and the chain saw's confiscated in favor of the government.

(2) *Unlawful Importation or Manufacturing of Chain Saw.* - Any person who imports or manufactures a chain saw without obtaining prior authorization from the Department shall be punished by imprisonment of not less than one (1) month nor more than six (6) months and a fine of not less than One thousand pesos (P1,000.00) nor more than Four thousand pesos (P4,000.00).

(3) *Tampering of Engine Serial Number.* - Any person who is found to have defaced or tampered with the original registered engine serial number of any chain saw unit shall be punished by imprisonment of not less than one (1) month nor more than six (6) months and a fine of not less than One thousand pesos (P1,000.00) nor more than Four thousand pesos (P4,000.00).

(4) *Actual Unlawful Use of Chain Saw.* - Any person who is found to be in possession of a chain saw and uses the same to cut trees and timber in forest land or elsewhere except as authorized by the Department shall be penalized with imprisonment of six (6) years and one (1) day to eight (8) years or a fine of not less than Thirty thousand pesos (P30,000.00) but not more than Fifty thousand pesos (P50,000.00) or both at the discretion of the court without prejudice to being prosecuted for a separate offense that may have been simultaneously committed. The chain saw unlawfully used shall be likewise confiscated in favor of the government.

If the violation under this Section is committed by or through the command or order of another person, partnership or corporation, the penalties herein provided shall likewise be imposed on such other person, or the responsible officer(s) in such partnership or corporation.

If the offender is a public official or employee, in addition to the above penalties, he shall be removed from office and perpetually disqualified from holding any public office.

The chain saws confiscated under this Section shall be sold at public auction to qualified buyers and the proceeds thereof shall go to the Department.

SEC. 8. Reward. - Any person who voluntarily gives information leading to the recovery or confiscation of an unregistered chain saw and the conviction of persons charged thereof shall be entitled to a reward equivalent to twenty percent (20%) of the value of the chain saw unit(s). The Department is authorized to include in its budget the amount necessary to carry out the purpose of this section.

SEC. 9. Authority of the Secretary. - To effectively implement the provisions of this Act, the Secretary shall issue the implementing rules and regulations within ninety (90) days upon approval of this Act. He shall likewise organize an office within the Department to ensure that the requirements imposed by this Act may be complied with by qualified persons, within the shortest possible time, at the least possible expense.

In the Province of Palawan, the provisions of this Act shall be implemented by the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan.

SEC. 10. Revocation of Registration and Permit. - The Secretary may revoke any Certificate of Registration or permit previously issued to a person found violating the provisions of this Act, or the rules and regulations issued pursuant thereto.

SEC. 11. Joint Congressional Oversight Committee. - To monitor and oversee the implementation of this Act, including the approval of the rules and regulations issued pursuant hereto, there is hereby created a Joint Congressional Oversight Committee to be composed of the Chairpersons of the Senate Committee on Environment and Natural Resources and the House Committee on Natural Resources as Chairperson and Co-Chairperson, five (5) members of each of the Senate and the House of Representatives who shall be designated by the Senate President and the Speaker of the House of Representatives as members: *Provided*, That the two (2) of the five (5) senators and two (2) of the five (5) House members shall be nominated by the respective Minority Leaders of the Senate and the House of Representatives.

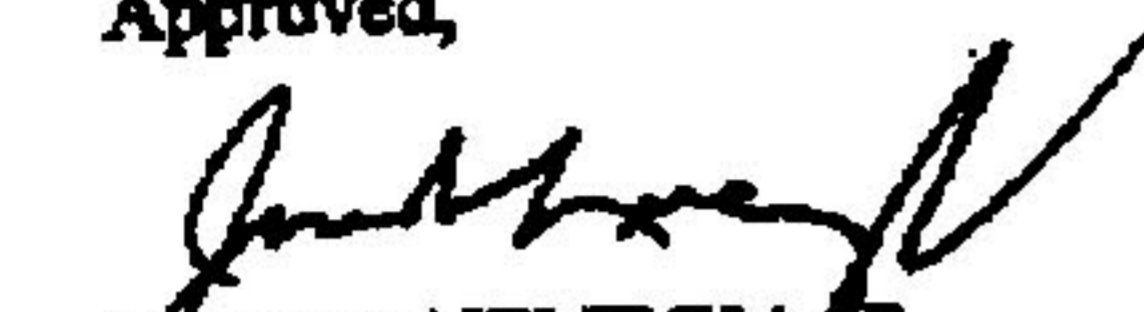
SEC. 12. Transitory Provision - In the interim while the Department is formulating the implementing rules and regulations to effectively carry out the provisions of this Act, the Bureau of Customs is prohibited from approving any chain saw importation without clearance from said Department.

SEC. 13. Separability Clause. - If, for any reason, any part or provision of this Act shall be declared as unconstitutional or invalid, such parts or provisions not affected thereby shall remain in full force and effect.

SEC. 14. Repealing Clause. - All laws, executive orders, presidential decrees, letters of instruction, rules and regulations, or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed and/or amended accordingly.

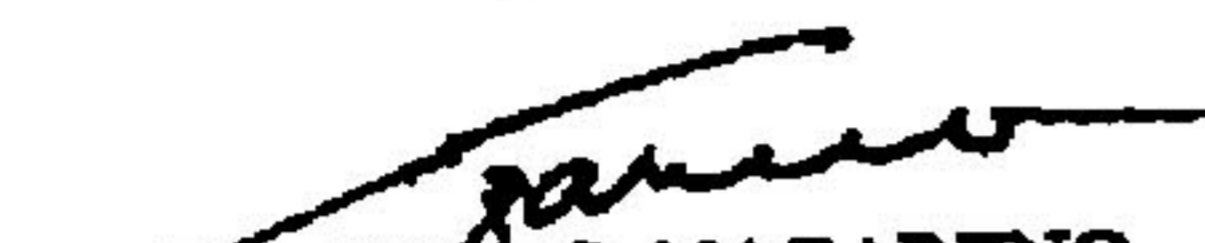
SEC. 15. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,


JOSE DE VENEZIA JR.
*Speaker of the House
of Representatives*


FRANKLIN M. DRILON
President of the Senate

This Act, which is a consolidation of Senate Bill No. 1940 and House Bill No. 3994, was finally passed by the Senate and the House of Representatives on August 14, 2002 and September 2, 2002, respectively.


ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

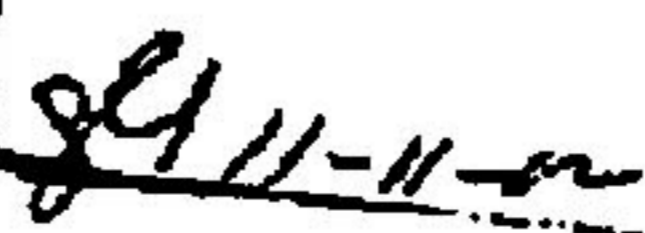

OSCAR G. YABES
Secretary of the Senate

Approved: **NOV 07 2002**


GLORIA MACAPAGAL-ARROYO
President of the Philippines




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CERTIFIED COPY!

MARIANITO M. DIMAS
Director III
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Republic of the Philippines
Congress of the Philippines
Metro Manila
Twelfth Congress

Second Regular Session

Begun and held in Metro-Manila, on Monday, the twenty-second day of July, two thousand two.

[**REPUBLIC ACT NO. 9176**]

AN ACT EXTENDING THE PERIOD UNTIL DECEMBER 31, 2020 FOR THE FILING OF APPLICATIONS FOR ADMINISTRATIVE LEGALIZATION (FREE PATENT) AND JUDICIAL CONFIRMATION OF IMPERFECT AND INCOMPLETE TITLES TO ALIENABLE AND DISPOSABLE LANDS OF THE PUBLIC DOMAIN, AMENDING FOR THE PURPOSE, COMMONWEALTH ACT NUMBERED 141, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC LAND ACT

Be it enacted by the Senate and House of Representatives on the Philippines in Congress assembled.

SECTION 1. Section 45, Chapter VII of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

"Section 45. The President of the Philippines, upon recommendation of the Secretary of Environment and Natural Resources shall from time to time fix by proclamation the period within which applications for free patents may be filed in the Community Environment and Natural Resources Office or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President, all the lands comprised within such district, chartered city, province, municipality or region subject thereto under the provisions of this chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. The time to be fixed in the entire Archipelago for the filing of applications under this Chapter shall not extend beyond 31 December 2020: *Provided*, That the period shall apply only when the area applied for shall not exceed twelve (12) hectares. The period fixed for any district, chartered city, province or municipality shall take effect thirty (30) days after the publication of the proclamation in one (1) newspaper of general circulation in the city, province, or municipality concerned. A certified copy of said proclamation shall be furnished by the Secretary of Environment and Natural Resources within thirty days (30) days counted from the date of the presidential proclamation to the Community Environment and Natural Resources Office and to the provincial board and municipal board or city council and barangay council affected, and copies thereof shall be posted on the bulletin board of the Community Environment and Natural Resources Office at such conspicuous places in the provincial capitol city or municipal hall or meeting place. It shall moreover be announced and aired over the government station in the concerned local area."

SEC. 2. Section 47. Chapter VIII of the same Act as amended, is hereby further amended to read as follows:

"Section 47. The persons specified in the next following section are hereby granted time not to extend beyond December 31, 2020 within which to avail of the benefits of this Chapter. *Provided*, That this period shall apply only where the area applied for does not exceed twelve (12) hectares: *Provided further*, That the several periods of time designated by the President in accordance with Section Forty-five of this Act shall apply also to the lands comprised in the provisions of this Chapter, but this Section shall not be construed as prohibiting any of said persons from acting under this Chapter at any time prior to the period fixed by the President.

SEC. 3. All pending applications filed before the effectivity of this amendatory Act shall be treated as having been filed in accordance with the provisions of this Act.

SEC. 4. Repealing Clause - All laws, decrees, executive orders, executive issuances or letters of instruction, rules and regulations, or any part thereof, inconsistent with or contrary to the provisions of this Act, are hereby deemed repealed, amended or modified accordingly.

SEC. 5. Separability Clause. - If, for any reason or reasons, any part or parts of this Act shall be declared unconstitutional or invalid by any competent court other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SEC. 6. Effectivity Clause - This Act shall take effect fifteen (15) days after its publication in two (2) national newspaper of general circulation.

Approved,

(Sgd.) **FRANKLIN M. DRILON**
President of the Senate

(Sgd.) **JOSE DE VENECIA, JR.**
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill No. 4628 and Senate Bill No. 1695 was finally passed by the House of Representatives and the Senate on September 2, 2002 and September 3, 2002, respectively.

(Sgd.) **OSCAR G. YABES**
Secretary of the Senate

(Sgd.) **ROBERTO P. NAZARENO**
*Secretary General
House of Representatives*

Approved : November 13, 2002

(Sgd.) **GLORIA MACAPAGAL ARROYO**
President of the Philippines