

REPUBLIC ACT NO. 9175
November 7, 2002

**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 the 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 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 term:

- (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 Manufacturer, 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 land/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.* -

(a) *Selling, Purchasing, Re-selling, Transferring, Distributing or Possessing a Chain Saw Without a Proper Permit.* - Any person who sells, purchases, transfer 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 Thirty thousand pesos (30,000.00) 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) for 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 Sec. 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 Sec. 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 Sec. .

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 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 VENECIA JR.
Speaker of the House of
Representatives

FRANKLIN 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 Representative on August 14, 2002 and September 2, 2002, respectively.

ROBERTO P. NAZARENO
Secretary General
House of Representatives

OSCAR G. YABES
Secretary of Senate

Approved: November 7, 2002

GLORIA MACAPAGAL-ARROYO
President of the Philippines