

REPUBLIC ACT NO. 8048

AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF COCONUT TREES, ITS REPLENISHMENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES.

SECTION 1. Title. — This act shall be known as the "*Coconut Preservation Act of 1995.*"

Sec. 2. Declaration of Policy. — Considering the importance of the coconut industry in nation building being one of the principal industries and one of the largest income earners of the country, it becomes mandatory for the Government to step-in and regulate the unabated and indiscriminate cutting of the coconut trees. For reasons of national interest, it is hereby declared the policy of the State to provide for the growth of the industry by embarking on a sustainable and efficient replanting program.

Sec. 3. Definitions of terms. — For purposes of this Act, the following terms shall be defined as follows:

(a) Coconut tree refers to a tall pinnate-leaved palm bearing a large edible fruit called the coconut.

(b) Replanting program refers to the program formulated by the Philippine Coconut Authority (PCA) to replenish the coconut trees which have been permitted to be cut by the PCA.

(c) Permit refers to the written authorization of the PCA allowing the cutting of coconut trees.

(d) 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.

(e) Senescent coconut trees are coconut trees which are already overage, weak and no longer productive.

Sec. 4. Prohibition. —No coconut tree shall be cut except in the following cases and only after a permit had been issued therefor:

(a) When the tree is sixty (60) years old;

(b) When the tree is no longer economically productive;

(c) When the tree is disease-infested;

(d) When the tree is damaged by typhoon or lightning;

(e) When the agricultural land devoted to coconut production shall have been converted in accordance with law into residential, commercial or industrial areas;

(f) When the land devoted to coconut production shall be converted into other agricultural uses or other agriculture-related activities in pursuance 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 farm is not adaptable to sound management practices on account of geographical location, topography, drainage and other conditions rendering the farm economically unproductive; and

(g) When the tree would cause hazard to life and property.

No other causes other than those abovementioned shall be considered as a valid ground for cutting.

Sec. 5. Permit to cut. —No coconut tree or trees shall be cut unless a permit therefore, upon due application being made, has been issued by the PCA pursuant to Section 6 of this Act.

The applicant shall pay an application fee in the amount of Twenty-five pesos (P25.00) for every tree intended to be cut payable to the PCA. Ten pesos (P10.00) of the fee shall accrue in favor of the PCA, Ten pesos (P10.00) in favor of the municipal government concerned, and Five pesos (P5.00) in favor of the barangay unit concerned. The fees shall be used for the PCA's replanting program and for the repair and rehabilitation of roads of the respective local government units which have been damaged by the passage of heavy vehicles used for transporting coconut lumber.

No permit to cut shall be granted unless the applicant, in coordination with the PCA and the local government unit concerned, has already planted the equivalent number of coconut trees applied for to be cut.

Such replantings, however, shall not apply to areas converted into industrial, commercial or residential sites or land transformed in accordance with law, into other agricultural purposes.

The PCA, in coordination with the local government unit concerned, shall regulate and oversee the planting, fertilization and care of the newly planted coconut trees. For this purpose, it shall be incumbent upon the PCA to conduct, from time to time, on-the-spot inspections of the sites where the coconut trees have been planted.

Sec. 6. Authority to Cut. —The Philippine Coconut Authority shall have the exclusive authority to grant permit for the cutting of coconut trees. The authority may be delegated to the city or municipal mayors as the PCA may determine.

Sec. 7. Implementing Rules. —The Philippine Coconut Authority shall be the lead agency to implement the provisions of this Act. For this purpose, the Philippine Coconut Authority shall prescribe the necessary rules and regulations for the immediate and effective implementation of this Act.

The PCA, in order to effectively implement the provisions of this Act, may request the assistance of any local government unit, to monitor and ensure compliance with this Act including its implementing rules and regulations. For this purpose, the PCA may deputize the Philippine National Police or other law enforcement agencies to investigate and apprehend those caught violating the provisions of this Act, including the confiscation of illegally cut trees.

In addition to the foregoing, the PCA shall also, in coordination with the local government unit concerned, require the registration of all sawmills, lumberyards, coconut wood dealers and other persons or entities dealing in the processing, sawing of the coconut trees.

Sec. 8. Penalties. —Those found guilty of violating this Act or any rules and regulations issued pursuant hereto shall, upon conviction, be punished by imprisonment of not less than one (1) year but not more than six (6) years, or a fine of not less than Fifty thousand pesos (P50,000) but not more than Five hundred thousand pesos (P500,000), or both in the discretion of the court.

If the offender is a corporation or a juridical entity, the official who ordered or allowed the commission of the offense shall be punished with the same penalty.

If the offender is in the government service, he shall, in addition be dismissed from office.

Sec. 9. Separability Clause. —If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections of this Act.

Sec.10. Repealing Clause. —All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

Sec.11. Effectivity Clause. —This Act shall take effect upon its approval.

Approved: June 7, 1995