

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 8048

PCA ADMINISTRATIVE ORDER NO. 01, August 29, 1995

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Article I

Preliminary Provisions

SECTION 1. Title - These Rules and Regulations are promulgated by the Philippine Coconut Authority pursuant to Section 7 of Republic Act No. 8048, entitled AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF COCONUT TREES, ITS REPLENISHMENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES, otherwise known as the "Coconut Preservation Act of 1995".

SECTION 2. Guiding Policy - To prevent the imminent collapse of the coconut industry and to promote the general welfare of the coconut farmers and the Filipino people:

- a. it becomes mandatory for government to step in and regulate the unabated and indiscriminate cutting of coconut trees; and
- b. The state, in cooperation with the private sector, shall embark on a sustainable and efficient replanting program to replenish the dwindling number of coconut trees, complemented by coconut-based farm productivity and livelihood enterprises to increase farm income.

SECTION 3. Definition of Terms - In addition to Section 3 of the Act, the following terms and phrases shall mean:

- a. Disease infested refers to a severely impaired tree due to bacteria, fungus, or virus, viroid and the chances of its survival and being economically productive is nil;
- b. Pest infested refers to a tree severely damaged by rhino beetle, spike moth, caterpillar and other destructive insects and animals;
- c. Sound Management Practice refers to procedures and decisions which are scientifically proven, or accepted cultural practice that enhances farm production or productivity;
- d. Sawmill refers to a wood processing plant or implement operated mechanically and installed in a fixed site or mobile carrier where coconut wood, log or timber is cut, treated, sawn or ripped into lumber, slabs and other wood products of any size or form such as poles, piles, wall wood, boards, pulp, or other finished coconut wood product;
- e. Lumber dealer refers to the registration certificate issued by PCA to coconut wood sawmills, coconut wood/lumber dealers/traders/processors;
- f. Registration refers to the registration certificate issued by PCA to coconut wood sawmills, coconut wood/lumber dealers/traders processors;

g. Implementing Rules and Regulations - refers to the rules and regulations promulgated by PCA including guidelines, circulars, orders and memoranda issued to supplement the same.

SECTION 4. Interpretation - These Rules shall be strictly interpreted to preserve productive coconut trees from unabated and indiscriminate cutting. Nothing in these Rules shall be applied, construed or interpreted to circumvent, or defeat the security of tenure or the rights and benefits of farmers, tenants, farm-lessees, tillers and regular farm workers prescribed by the Comprehensive Agrarian Reform Law (R.A. 6657).

Article II - Prohibition

SECTION 5. Exception - Consistent with the guiding policies, the cutting of coconut trees shall be prohibited except for the causes and circumstances enumerated in Section 4 of the Act, and only upon the issuance of a permit by the PCA or its duly delegated representatives.

For this purpose, illegal cutting of coconut trees shall include any form of circumvention such as uprooting or felling, poisoning, burning, and the like which lead to their eventual destruction, death or removal.

SECTION 6. Evidence of Dispossession - (a) Cutting of coconut trees in tenanted farms in violation of these Rules shall be deemed prima facie evidence of dispossession, unlawful ejectment or deprivation of the rights and benefits of the farmer-tenants, tillers or regular farmworkers under the Comprehensive Agrarian Reform Law or its Implementing Rules.

b. Such incidence of dispossession, ejectment or deprivation shall be reported and recommended by PCA to the Department of Agrarian Reform (DAR) for prioritization in land acquisition and distribution under the Comprehensive Agrarian Reform Law.

c. The PCA shall further recommend to DAR as a reasonable award in favor of the farmer such amount of income foregone or disturbance compensation to be paid by landowner who violates these Rules resulting to the loss of income on the part of the farmer, tiller or farmworker.

Article III

Standards

SECTION 7. Economically Unproductive - (a) Coconut trees are deemed no longer productive if:

i.

They have reached the age or condition of senescence which begins at the age of sixty (60) years, and that for the last preceding three (3) calendar years, there has been no improvement or increase in their nut-bearing capacity.

ii.

Due to senescence as described in the preceding subparagraph, or the non-suitability of the land or area, the yield of the tree is eighteen (18) nuts or less per year.

b. For conversion, it shall be the duty of the authorized PCA Agriculturist to examine, evaluate and verify whether for the period of three (3) years immediately preceding the application, the majority of the trees in the land are senescent and economically unproductive as described in paragraph (a) [i] and [ii] of this Section.

No permit shall be issued unless all the aforementioned conditions are duly established and certified by the authorized PCA Official.

SECTION 8. Cost of Production - To determine the economic gain as a measure of productivity of a coconut tree or farm, the following shall be deducted:

- a. If the final product is copra: i) cost of harvesting which includes picking and filing; ii) cost of loading and hauling; and iii) cost of processing, which includes husking, splitting, scooping, and drying.
- b. If the final product is green nuts, the cost times above shall be deducted except cost of processing.
- c. If the final product is husked nuts, the costs in items a.i and a.ii and cost of husking shall be deducted.

This Section shall neither apply to nor include secondary crops other than coconut.

SECTION 9. Disease Infestation - (a) Disease in coconut trees shall be a ground for cutting only upon certification by the PCA Agriculturist that:

i.

An epidemiological study has been conducted confirming and identifying the disease;

ii.

The infested trees are no longer capable of rehabilitation thru preventive measures such as application of chemicals or nutrient support;

iii.

The infestation is such that it will spread and infect other trees or farms;

(b) Infested trees shall be subject to quarantine and shall not be allowed for processing, sale, transport or transshipment;

(c) Quarantined trees shall be disposed of by the owner thru burning under the supervision of the PCA Agriculturist.

SECTION 10. Conversion into Residential, Commercial or Industrial Areas - (a) The authority to approve or disapprove conversion of land devoted to coconut production for residential, commercial or industrial use shall be the exclusive jurisdiction of the Secretary of the Department of Agrarian Reform.

(b) Applications for conversion under this Section shall comply strictly with the requirements and procedures of DAR Administrative Order No. 12, Series of 1994, entitled "Consolidated and Revised Rules and Regulations Governing Conversion of Agricultural Lands to Non-Agricultural Uses".

SECTION 11. Hazard to Life and Property - (a) The coconut trees must be situated such that they pose immediate threat, danger, or obstruction to:

i.

existing houses, homes, animal dwelling, business establishments, buildings;

ii.

plazas, playgrounds, promenades, and public places frequented by people;

iii.

public roads and highways, rights of way, ports, dams, irrigation, and waterways;

iv.

electric, telephone, communication lines or installations;

v.

other properties whose value or use is greater than the coconut trees which pose the threat, danger or obstruction.

(b) Cutting of trees due to the exercise of the power of eminent domain or expropriation, shall be governed by the appropriate laws, regulations, ordinances.

Article IV - Application for Permit to Cut

SECTION 12. Filing of Application - Applications to cut coconut trees shall be filed in writing in accordance with the form prescribed by the PCA, stating the specific causes and circumstances therefor.

SECTION 13. Who may apply - The following may apply for a permit to cut:

- (a) Landowner or duly authorized representative
- (b) Tenant, tiller, farm worker with the consent of the owner
- (c) Owner of land/property that is endangered by coconut tree/s in an adjacent land or farm

SECTION 14. Where to Apply - (a) The application shall be filed with the Provincial Coconut Development Manager in the PCA Provincial Office or the Agriculturist in the PCA Municipal station nearest the area where the trees are situated.

(b) If the application involves not more than five (5) trees, it may be filed with the Barangay Chairman who shall forthwith notify the PCA Agriculturist of such applications.

SECTION 15. Supporting Documents - The application shall be accompanied with the following supporting documents:

- (a) Any document which sufficiently identifies the applicant (i.e. Community/Residence Certificates, Voter's I.D.s' Driver's License, Barangay I.D./Certificate)
- (b) Proof of ownership or legal possession of the affected land (TCTs, Tax Declaration, Tenancy/Leasehold Agreement, Transfer Certificate from DAR, Notarized Deeds of Conveyance or Mortgage, etc.)
- (c) Other supporting documents/certificates hereinafter required under these Rules.

Article V - Processing of Application

SECTION 16. Completeness of Application - (a) The PCA Agriculturist shall ascertain the completeness of the application on its face and its supporting documents.

(b) Applications failing to comply strictly with the requirements in the preceding Article shall not be acted on and shall be returned to the applicant with the corresponding notice stating the reasons therefor.

SECTION 17. Verification - (a) After ascertaining the completeness of the application, the PCA officer concerned shall verify the truth of the information contained therein, and conduct the necessary field and ocular inspection or investigation, as well as the consultations hereinafter required.

(b) The PCA Agriculturist shall inform the applicant, farmers or representatives of their organization and the Barangay Chairman of the date and time of the inspection and invite them to attend as witnesses. Their non-appearance after due notice shall be deemed as a waiver to witness the inspection.

(c) The PCA Agriculturist shall confirm and certify the existence or non-existence of the causes and circumstances to warrant the issuance or non-issuance of a permit.

SECTION 18. Consultations - Before any final recommendation may be made by the PCA Agriculturist, he must further satisfactorily show that:

(a) Consultations have been made with -

- i. the farmer-tenants, tillers and regular workers occupying or working on the affected farm.
- ii. the Barangay Chairman, and the Municipal Agrarian Reform Officer, in case of conversion to other uses; and
- iii. at least one (1) PCA recognized/accredited farmer's organization or Non-Government Organization, whichever is existing in the locality, representing and promoting the interest of coconut farmers.

(b) Proof of actual consultation must be shown in the form of a certification duly signed by the persons/organization representatives mentioned in the preceding subparagraph.

SECTION 19. Report and Recommendation - (a) After the verification and field investigation, the PCA Agriculturist shall prepare and submit to the Provincial Coconut Development Manager his full Findings and Recommendations certifying the existence or non-existence of the causes, circumstances and reasons which may warrant the issuance or non-issuance of the permit, the location and area of the land, and the number of trees recommended for cutting.

(b) The PCA Agriculturist shall ascertain that the trees recommended for cutting are properly marked and identified.

(c) The Regional Manager and the affected tenant/tiller/regular farm workers shall be furnished copies of the findings and recommendations.

Article VI - Protest

SECTION 20. Who May Protest - An applicant, tenant tiller, regular farmworker, or the farmer/non-governmental organization acting for and in their behalf adversely affected by the findings and recommendations of the PCA Agriculturist, may file a written protest with the Provincial Manager of the PCA Provincial Office within five (5) days from receipt of such findings and recommendations.

SECTION 21. Grounds for Protest - A protest may be made on any of the following grounds: (a) Where the findings and recommendations are not in accordance with the Act or these Rules;

(b) Where the findings and recommendations are attended by fraud, threat, or coercion;

- (c) Misrepresentation or serious mistake in the appreciation of facts;
- (d) Grave abuse of discretion on the part of the Agriculturist; and
- (e) Where the implementation of the recommendation will cause excessive injury and unreasonable damage to the protesting party.

SECTION 22. Hearing - (a) The PCA Provincial Manager shall have thirty (30) days from receipt of the protest to immediately notify the parties, hear the protest and resolve the same.

(b) In the hearing, the contending parties shall submit their respective sworn statements and other documentary evidence in support of or in reply to the protest, which shall be the basis for the resolution.

(c) The parties may be assisted by counsel of their own choice, provided that the hearing shall not be bound by the technical rules of procedure and evidence as prescribed by the Rules of Court.

SECTION 23. Appeal - Any affected party may within ten (10) days from receipt of the Resolution of the Provincial Manager appeal the same to the Regional Manager who shall in turn resolve the appeal within thirty (30) days from receipt thereof. The Resolution of the Regional Manager shall be final and executory for purposes of issuance or non-issuance of the permit to cut under these Rules.

SECTION 24. Reports - All protests, appeals, actions and resolutions by the Provincial and Regional Managers shall be reported to the PCA Administrator with corresponding certified copies thereof.

Article VII

Issuance of Permit to Cut

SECTION 25. Approving Authority - The Permit to Cut may be issued after review of the recommendations of the PCA Agriculturist which may be adopted or modified by the approving and issuing authorities hereinafter provided:

- (a) PCA Provincial Manager - not more than 1,000 trees or a corresponding area not exceeding ten (10) hectares;
- (b) PCA Regional Manager - more than 1,000 trees up to 2,400 trees or a corresponding area of more than ten (10) hectares but not exceeding twenty four (24) hectares;
- (c) PCA Administrator - more than 2,400 trees or a corresponding area of twenty-four (24) hectares.

To prevent circumvention of the aforementioned approving and issuing authorities, only one (1) permit shall be issued at any given time for a single application.

SECTION 26. Form of Permit to Cut - The Permit to Cut shall be in a serialized form containing, among others, the grounds for its issuance, the number of trees to be cut, the area or locality, the names of owners/tenants and their addresses.

SECTION 27. Release of Permit - (a) The Permit shall be released to the applicant upon his payment to PCA of Twenty-Five Pesos (P25.00) for every tree approved for cutting.

(b) Once released to the applicant, the issuing officer shall furnish copies of the Permit to the following:

- i. Office of the Municipal Treasurer
- ii. Office of the Barangay Chairman
- iii. Department of Agrarian Reform thru the Municipal Agrarian Reform Officer (MARO); and
- iv. PCA Regional Office
- v. Tenant, if applicable

SECTION 28. Date and Time of Cutting - The recipient of the Permit to Cut shall inform the PCA Agriculturist or Provincial Manager of the date and time when the actual cutting will take place. The PCA Agriculturist or Provincial Manager shall as far as practicable do the necessary spot-checking of the actual cutting.

SECTION 29. Delegation of Authority to Grant Permits to Cut - In conjunction with Section 6 of the Act, the authority to grant permits to cut under these Rules may be delegated to the City or Municipal Mayor as the need arises and shall be initiated under any of the following circumstances:

- (a) upon the request of the City or Municipal Mayor
- (b) at the discretion of the PCA Administrator; or
- (c) upon the endorsement of a PCA-accredited farmer or non-government organization.

Provided that in the exercise of such delegated authority, the City or Municipal Mayors shall abide by the standards or criteria prescribed in these Rules which, in the absence of a local municipal agriculturist, shall be verified and certified by the PCA Agriculturist.

Article VIII

Collection and Remittance

SECTION 30. Payment of Fees - Payment of the fees authorized in the preceding Section shall be made to the PCA Provincial Collection and Disbursement Officer who shall issue the corresponding receipt.

SECTION 31. Remittance - (a) All fees collected shall be remitted on a weekly basis to the PCA Regional Office which shall make the proper accounting thereof.

(b) The Regional Office shall in turn distribute on a monthly basis the allocations of the fees to the beneficiaries for the purposes authorized in Section 5 of the Act.

(c) All collections allocated for PCA shall be used to implement its replanting program in the region from where the fees were collected subject to the approval by the PCA Administrator of proposed expenditures.

Article IX

Exemptions from Permit and Fees

SECTION 32. Grounds for Exemption - Coconut trees which are qualified for cutting under the circumstances provided in Section 4 of the Act shall exempt from the requirements of permit to cut and application fee, as follows:

- (a) Those posing imminent hazard to life or property under Section 14 Article III of these Rules, provided that the person ordering or initiating the cutting shall immediately report the cutting to the nearest PCA office;
- (b) Those intended for domestic and household use by the landowner, farmer, or tenant, not exceeding five (5) trees, not for sale, and not for transport beyond the barangay where they are cut;
- (c) Those situated in residential lots or public parks, planted purely for ornamental purposes, and not devoted to coconut production. Provided that, except in cases falling under subparagraph (a) above, applications in accordance with Section 12 Article IV of these Rules shall be filed for monitoring purposes.

Article X

Program Monitoring

SECTION 33. Responsibility of PCA, LGUs, and Farmers Organizations - (a) The PCA shall be principally responsible in formulating specific programs and projects involving the regulation of indiscriminate cutting of

coconut trees.

(b) In the formulation of such programs, the PCA shall consult and enlist the assistance and participation of the Department of the Interior and Local Government (DILG) and other government agencies, PCA-accredited farmers organizations, as well as other non-government organizations, in conducting nationwide surveys of the cutting of coconut trees and affected areas, and the establishment of a data base relating thereto.

SECTION 34. Report of Violations - The PCA Agriculturist shall inquire into all incidents of violations of the Act and these Rules by conducting spot-investigations thereof, and by gathering, receiving, verifying such incidents and reports, including persons involved, and shall immediately inform the City or Municipal Mayor, Barangay Chairman, and the deputized law enforcement agent for their appropriate preventive action. Furthermore, the PCA Agriculturist shall submit a complete report simultaneously to the PCA Provincial and Regional Managers with a copy of such report duly furnished the PCA Administrator.

SECTION 35. Systems Monitoring - For efficient and uniform implementation and coordination, the PCA shall devise such monitoring systems and forms, and for this purpose allocate and disburse the necessary funds.

Article XI Registration

SECTION 36. Applicability of PCA Administrative Orders No. 001 Series of 1982 and 1993 - (a) Pursuant to Section 7 of the Act, the registration of persons and entities dealing with coconut products and by-products in accordance with PCA Administrative Orders No. 001 Series of 1982 and 1993, shall except as hereinafter provided, be applicable to operators of sawmills, lumberyards, processors and dealers of coconut wood products; Provided, however, that registration under this Section shall not be issued to sawmills and lumber processors whose licenses have been withdrawn or cancelled by the Department of Environment and Natural Resources (DENR).

(b) For purposes of these Rules only, the rates of registration fees based on authorized capitalization provided for in PCA Administrative Orders No. 001 Series of 1993, are hereby amended as follows:

Less than P1,000,000.00

NEW

P 1,000.00

RENEWAL

500.00

Over P1,000,000.00 up to P5,000,000.00

NEW

3,000.00

RENEWAL

1,500.00

Over P5,000,000.00

NEW

5,000.00

RENEWAL

2,500.00

SECTION 37. Coordination with Local Government Units and Other Agencies - (a) To update the PCA of the existence, identity, and operations of sawmills, lumberyards, processors and dealers of coconut wood products in the area of his jurisdiction, the PCA Provincial Manager shall from time to time consult with the City or Municipal Mayors or other agencies such as the Department of Trade and Industry — Bureau of Domestic Trade (DTI-BDT), the Securities and Exchange Commission (SEC), and the Bureau of Internal Revenue (BIR), and seek such information relevant in the investigation or prosecution of violations of the Act or these Rules.

(b) In the event that the aforementioned persons or entities are found to have violated any provision of the Act or these Rules, the PCA may recommend to the appropriate agencies the cancellation of their registrations and other sanctions authorized by law, charters, or municipal ordinances.

Article XII**Enforcement**

SECTION 38. Deputation of Members of the Philippine National Police - All members of the Philippine National Police (PNP) are hereby deputized to assist in the enforcement of the Act and these Rules by investigating, apprehending, and causing the prosecution of violators thereof. By this deputation, they may spot-check the cutting, transportation and stock piling of coconut trees, logs or lumber.

SECTION 39. Confiscation - The PNP shall confiscate illegally cut, coconut trees, logs or lumber, intercept their transportation, impound the vehicles used for the same, and issue the necessary receipts therefor.

SECTION 40. Custodial Disposition - (a) The illegally cut coconut trees, logs or lumber, and the instruments and tools employed in their cutting as well as in their transportation which are confiscated by the PNP shall be deposited in the nearest PNP station or detachment, or in the nearest barangay or municipal premises.

(b) The deposit shall be inventoried and duly receipted for by the proper police officer or the authorized barangay or municipal official. The report of such confiscation and custodial disposition shall be immediately made to the nearest PCA Provincial Office and to the PNP Station Commander in case the apprehending person is a PNP Officer.

SECTION 41. Progress Report by PNP On Investigations and Dispositions - The PNP shall inform the PCA Provincial Manager of the progress of its investigations. The Provincial Manager shall in turn furnish copies thereof to the PCA Administrator thru the Regional Manager.

Article XIII

Penal Provisions, Forfeiture and Disposition

SECTION 42. Penalties - The provision on Penalties under Section 8 of the Act is hereby adopted in toto and declared an integral part of these Rules.

SECTION 43. Forfeiture - Pursuant to Article 45 of the Revised Penal Code, the penalties of imprisonment and fine under Section 8 of the Act shall carry with them the forfeiture in favor of the Government of the illegally cut coconut trees, logs or lumber, and the instruments or tools employed in their cutting unless they be the property of a third person not liable for the offense.

SECTION 44. Final Disposition - The illegally cut coconut trees, logs or lumber forfeited in favor of the Government shall be disposed of in accordance with the prioritization set forth in Memorandum Order No. 162 Series of 1993 as amended by Memorandum Order No. 284 of the President dated June 5, 1995.

Accordingly, in the event that two (2) or more parties are requesting for disposition, priority shall be given in the following order:

- (a) Needy victims of disasters as certified by the Department of Social Welfare and Development (DSWD);
- (b) The Department of Public Works and Highways (DPWH) projects related to the restoration of public facilities such as bridges, roads, etc., in times of emergencies, calamities and disasters and pursuant to a Memorandum of Agreement to be entered into between PCA and DPWH;
- (c) School buildings programs of the Department of Education, Culture and Sports (DECS) and those undertaken by the Department of National Defense (DND)/AFP Engineering Brigade;
- (d) Health centers as may be requested by the Department of Health (DOH) and the Local Government Unit (LGU) concerned;
- (e) Public markets, as may be requested by the LGU concerned;
- (f) Municipal buildings, as may be requested by the LGU concerned;
- (g) Police stations, as may be requested by the PNP and LGU concerned;
- (h) AFP camps, as may be requested by the DND;
- (i) The National Housing Authority (NHA) for the implementation of the housing program for low-salaried government employees and pursuant to a Memorandum of Agreement that may be entered into between PCA and NHA;
- (j) LGUs which have jurisdiction over the place where the coconut trees were cut, gathered and/or confiscated; and

(k) Commitments to provincial, regional, national projects.

Article XIV

Repealing Clause

All Administrative Orders, Memoranda, Circulars and other issuances inconsistent with these Rules and Regulations are hereby modified and repealed accordingly.

Article XV

Effectivity

These Rules and Regulations shall take effect immediately after their publication in two (2) newspapers of national and general circulation.

Adopted: 29 Aug. 1995

(SGD.) VIRGILIO M. DAVID

Administrator

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