NATIONAL ADMINISTRATIVE REGISTER · SEPTEMBER 12, 2003

IMPLEMENTING RULES AND REGULATIONS OF THE CHAINSAW ACT OF 2002 (R.A. NO. 9175) ENTITLED “AN ACT REGULATING THE OWNERSHIP, POSSESSION, SALE, IMPORTATION AND USE OF CHAINSAWS, PEN...

PCSD ADMINISTRATIVE ORDER NO. 07, S. 2003, September 12, 2003

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Pursuant to Section 9 of Republic Act No. 9175, otherwise known as the "Chainsaw Act of 2002" the rules and regulations governing the implementation of the Act is hereby adopted and modified from DENR Administrative Order No. 2003-24 for the compliance and guidance of all concerned in the province of Palawan.

Chapter 1
Basic Policy, Objectives and Definitions

SECTION 1. Basic Policy - It is the policy of the State, consistent with the Constitution, to conserve, develop and protect the forest resources through sustainable forest management (SFM). Towards 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 chainsaws.

SECTION 2. Objectives - This Order is promulgated to achieve the following objectives:

2.1 To regulate the purchase, ownership, possession, sale, transfer, importation and/or use of chainsaws to prevent them from being used in illegal logging or unauthorized clearing of forests.

2.2 To establish and maintain a local database on the existing number of chainsaws, authorized dealers, authorized users, importation and sales thereof, among others; and

2.3 To facilitate the monitoring of the operations of chainsaw importers, users, and others.

SECTION 3. Definition of Terms - As used in, and for purposes of this Order, the following terms and phrases are defined as follows:

3.1 Chainsaw - 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.

3.2 Chainsaw dealer - shall refer to a person, natural or juridical engaged in the manufacture, importation, distribution, purchase and/or sale of chainsaws, as authorized by the PCSD.

3.3 Chainsaw user - shall refer to any person, natural or juridical, who uses and/or operates a chainsaw for the purpose of felling, bucking, trimming and/or breaking down into suitable sizes of timber, coconut, anahaw, other palms, and similar woody materials, as authorized by the PCSD.

3.4 Chainsaw owner/possessor - shall refer to any person, natural or juridical, who owns/possesses a chainsaw, as authorized by the PCSD.

3.5 Chairman - shall refer to the Chairman of the Palawan Council for Sustainable Development.

3.6 DMO - shall refer to any of the District Management Offices of the PCSDS.

3.7 District Manager - refers to the head of the DMO.

3.8 Forestland - shall refer to lands of the public domain which have not been declared as alienable and disposable lands and includes the public forest, coastal forests, forests in watershed reservations, forests in protected areas, timber lands, grazing lands, and wildlife sanctuaries.

3.9 Industrial Tree Farmer - shall refer to a person engaged in large-scale tree farming within private lands.

3.10 Legal Purpose - shall refer to activities such as tree pruning, tree survery, landscaping, timber stand improvement, and other allied silvicultural activities.

3.11 Orchard - shall refer to lands planted with fruit trees and other trees of economic value, such as, but not limited to bamboo, coconut, anahaw and other palms.

3.12 PCSD - shall refer to the Palawan Council for Sustainable Development.

3.13 PCSDS - shall refer to the Palawan Council for Sustainable Development Staff, headed by its Executive Director.

3.14 POID - shall refer to the Project Operations and Implementation Department of the PCSDS that shall supervise the registration of chainsaws.

3.15 SCU - shall refer to the Special Concerns Units of the PCSDS created by the Executive Director by virtue of PCSDS Office Memorandum dated 20 August 2003 to oversee among others, the implementation of the Chainsaw Act of 2002.

Chapter II
Scope

SECTION 4. Scope - These rules and regulations shall cover the purchase, manufacture, ownership, possession, sale, transfer, importation and use of chainsaws. The registration of chainsaws with the Department of Environment and Natural Resouces (DENR) prior to the effectivity of this Order shall be considered terminated. Henceforth, all chainsaw owners shall apply for registration within three months from the effectivity of this Order. Monthly reports on issued Certificate of Registration or Permits shall be submitted by the DMO concerned to the SCU. Said reports shall be consolidated into official monthly reports to be given by the PCSDS to the Forest Managent Bureau through the Provincial Environment and Natural Resources Office of the DENR.

Chapter III
General Provision

SECTION 5. Persons authorized to purchase, transfer the ownership, import, manufacture, distribute and/or sell, re-sell chainsaws - Only persons, duly authorized by the PCSD shall be allowed to purchase, transfer the ownership, import, manufacture, distribute and/or sell, re-sell chainsaws.

SECTION 6. Persons authorized to own, possess and use chainsaws - The PCSD through the PCSDS shall issue a Certificate of Registration (Annex 1[*]) to owners, possessors and/or users of chainsaws who fall under any of the following categories.

6.1 Holder/s of any of the following subsisting instruments:

a. Timber License Agreement
b. Production Sharing Agreement
c. Co-Production Sharing Agreement

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d. Private Land Timber Permit
e. Special Private Land Timber Permit
f. Community-Based Forest Management Agreement (CBFMA)
g. Integrated Forest Management Agreement (IFMA)
h. Socialized Industrial Forest Management Agreement (SIFMA)
i. Other similar tenurial instruments.

6.2 Orchard or fruit tree farmer
6.3 Industrial tree farmer
6.4 Licensed wood processor, in which the chainsaw shall be used for the cutting of timber that has been legally sold to said applicant.
6.5 Any entity, natural or juridical who shows satisfactory proof that the possession and/or use of the chainsaw is for a legal purpose.
6.6 Agencies of the government, such as but not limited to Local Government Units and Protected Area Offices, Government-Owned and Controlled Corporations (GOCCs) that use chainsaws in some aspects of their functions.

Any entity, natural or juridical that requires the services of an accredited chainsaw user/owner, or uses a chainsaw that is duly registered to another entity shall comply with the requirements enumerated in Section 9, Item 9.4 of this Order.

SECTION 7. Registration of Chainsaws - Upon effectivity of this Order, all persons, partnerships, associations, or corporations, who own or are otherwise in possession of chainsaws must register the same to the PCSD through any of its District Management Offices (DMOs) or the District Managers detailed at the PCSDS Main Office in Puerto Princesa City. The PCSD Executive Director shall approve the corresponding Certificate of Registration if he finds such persons, partnerships, associations, and/or corporations to be qualified hereunder.

The Certificate of Registration number, the date of registration and expiry date shall be indicated in a serialized sticker to be attached to the chainsaw.

The Certificate of Registration of a chainsaw used for legitimate purpose shall be valid for two (2) years upon issuance, renewable for the same period; provided that Certificates of Registration issued to non-commercial orchard and fruit tree farmers, and similar entities whose line of business or work are not related to wood and/or timber production, processing and trade shall be valid for a period of five (5) years upon issuance, renewable for the same period, unless otherwise revoked by the issuing authority. Upon renewal, the original copy of the expired Certificate of Registration shall be surrendered to the DMO concerned.

The Certificate of Registration shall also serve as the permit to own, possess and/or use the registered chainsaw.

7.1 Coding System of Registered Chainsaws

7.1.1 The coding system for registered chainsaws shall follow the following sequence: Municipal Code where the chainsaw was registered- Last two digits of the year when the chainsaw was registered-Control Number of the Chainsaw.

7.1.2 The following shall be the municipal codes for each municipality where the chainsaw shall be registered under the appropriate DMO:

a. Coron = CO
b. Culion = CL
c. Busuanga = BU
d. Linapacan = LN
e. Roxas = RX

f. San Vicente = SV
g. Dumaran = DU
h. Taytay = TY
i. El Nido = EN
j. Araceli - AR
k. Cuyo = CY
l. Magsaysay = MG
m. Cagayancillo = CG
n. Agutaya = AG
o. Kalayaan = KY
p. Puerto Princesa = PPC
q. Aborlan = AB
r. Narra = NR
s. Quezon = QZ
t. Sofronio Española = ES
u. Brooke's Point = BP
v. Rizal = RZ
w. Balabac = BL
x. Bataraza = BZ

SECTION 8. Requirements for a Certificate of Registration - The applicants for registration of chainsaws shall submit all the following requirements to the appropriate District Management Offices (DMOs) or the District Managers detailed at the PCSDS Main Office in Puerto Princesa City.

8.1 For Original/New Applications

8.1.1 Holder of a subsisting Timber License Agreement, Production Sharing Agreement, Co-Production Sharing Agreement, or a Private Land Timber Permit/Special Private Land Timber Permit, CBFMA, IFMA, SIFMA, or other similar tenurial instruments:

- Duly accomplished Application Form (Annex 2[*])
- Copy of the tenurial instrument
- Detailed specification of chainsaws to be registered (brand model, engine capacity, serial number, etc.) Purpose of use, areas/location where it is to be used, name of owner, date of purchase, and name of dealer.
- Proof of ownership of chainsaw (sales invoice, deed of sale, etc.)
- Stencil of Engine Serial Number
- Registration Fee

8.1.2 Orchard or fruit tree farmer or industrial tree farmer

- Duly accomplished Application Form (Annex 2[*])
- Detailed specification of chainsaws to be registered (brand, model, engine capacity, serial number), purpose of use, areas/location where it is to be used, name of owner, date of purchase, and name of dealer.
- Proof of ownership of chainsaw (sales invoice, deed of sale, etc)
-Copy of certificate of tree plantation ownership, or similar tenurial instrument.
-Certification from Barangay Captain concerned that applicant is an orchard or tree farmer with an area of at least 1 hectare.
- Stencil of Engine Serial number
-Registration fee

8.1.3 Licensed Wood Processors

- Duly accomplished Application Form (Annex 2)

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- Copy of accredited/approved Wood Processing Establishment Permit, or similar business permits from the Local Government Unit
- Detailed specification of chainsaws to be registered (model, brand, engine, capacity, serial number), purpose of use, areas/location where it is to be used, name of owner, date of purchase, and name of dealer.
- Proof of ownership of chainsaw (sales invoice, deed of sale, etc)
- Registration fee
- Stencil of Engine Serial number
- Notarized Certification of legal source of raw materials

8.1.4 Agencies of the government, such as, but not limited to Local Government Units, and Protected Area Offices, Government- Owned and Controlled Corporations (GOCCs).

- Duly accomplished Application Form (Annex 2)
- Certification from Head of Office or his/her authorized representative that chainsaws are owned/possessed by the office and used for legal purpose (specify)
- Detailed specification of chainsaws to be registered (model, brand, engine, capacity, serial number), purpose of use, areas/location where it is to be used, name of owner, date of purchase, and name of dealer.
- Proof of ownership of chainsaw (sales invoice, deed of sale, etc.)
- Stencil of Engine Serial number
- Registration fee

8.1.5 Other Persons/entities who can show satisfactory proof that the possession and/or use of chainsaws is for a legal purpose.

- Duly accomplished Application Form (Annex 2)
- Copy of Business Permit from the Local Government Unit and/or Affidavit that the chainsaw is needed in the applicant's work/profession and will be used for a legal purpose
- Detailed specification of chainsaws to be registered (model, brand, engine, capacity, serial number), purpose of use, areas/location where it is to be used, name of owner, date of purchase, and name of dealer.
- Proof of ownership of chainsaw (sales invoice, deed of sale, etc.)
- Stencil of Engine Serial number
- Registration fee

8.2 Application for Renewal

8.2.1 Duly accomplished Application Form (Annex 2)
8.2.2. Original copy of the latest Certificate of Registration of Chainsaw
8.2.3 Registration fee

SECTION 9. Requirements for permit/authority to purchase, import, manufacture and/or transfer ownership, sell/dispose, lease, rent, lend chainsaws - Applicants for permit/authority to purchase, import, manufacture and/or transfer ownership, sell/dispose, lease, rent, lend chainsaws shall submit the following requirements:

9.1 Permit to Purchase or Import (Annex 3[*])

9.1.1 Duly accomplished application form (Annex 2) together with the following details:

- Number of chainsaws to be purchased/imported with the specifications
- Purpose for the purchasing/importing
- Name and address of seller/supplier
- Expected time of arrival at port of entry and/or release from the Bureau of Customs, if imported
- Import Entry Declaration from the Bangko Sentral ng Pilipinas

9.1.2 Business name registration of applicant from DTI, SEC registration or CDA registration

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9.1.3 If applicant is an individual, affidavit that he will use the chainsaw for legal purposes only (e.g. tree pruning, tree surgery, landscaping, timber stand improvement, and other allied silvicultural activities)

9.1.4 Copy of purchase orders, if imported

9.1.5 Permit fee

9.2 Permit to manufacture (Annex 3)

9.2.1 Duly accomplished application form (Annex 2) together with the following details:

- Number and type of chainsaws to be manufactured
-Source of materials, parts or accessories

9.2.2 Business name registration of applicant from DTI, SEC registration or CDA registration

9.2.3 Permit fee

9.3 Permit to sell/re-sell/distribute/transfer of ownership (Annex 3)

9.3.1 Duly accomplished application form (Annex 2) together with the number and specifications of chainsaws to be sold.

9.3.2. Proof of ownership of chainsaws (sales invoice, deed of sale, etc.)

9.3.3 Business registration from DTI or in case of individual transactions, this requirement may be dispensed with.

9.3.4 Permit fee

9.4 Authority to lease, rent or lend, or operated by employed workers, members of associations, or other persons (Annex 4*)

9.4.1 Letter request

9.4.2 Contract of lease, rent, lending, hiring, job order, or any other similar and supporting documents that legitimizes and authorize other chainsaw users.

9.4.3 Number and type of chainsaws to be used

9.4.4 In case of an association, partnership or corporation, a list of potential chainsaw users within their group shall also be submitted.

SECTION 10. Issuing Authority - Applications for Permits to Import and Manufacture chainsaws shall be filed at the DMO concerned or the District Managers detailed at the PCSDS Main Office in Puerto Princesa City who shall have it processed and approved/disapproved within 15 working days. The permit shall be valid for a period of one (1) year. The original copy of the permit shall be issued to the chainsaw importer or manufacturer, a duplicate copy to the District Manger concerned, a triplicate copy to the Executive Director, PCSDS through the Special Concerns Unit, and authenticated copies to the Provincial Environment and Natural Resources Office of the DENR, and the Bureau of Customs, in case of imported chainsaws.

Applications for Permits to purchase, transfer of ownership and/or sell, re-sell, dispose/distribute chainsaws shall be filed at the DMO concerned or the District Managers detailed at the PCSDS Main Office in Puerto Princesa City who shall have it processed and approved/disapproved with 15 working days. The permit shall be valid for a period of one (1) year. The original copy of the permit shall be issued to the applicant, a duplicate copy of the DMO concerned, and a triplicate copy to the Special Concerns unit.

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The District Manager concerned shall issue the Certificate of Registration to qualified applicants within 15 working days upon application. The DMO shall maintain a registry book and submit a monthly report of all registered chainsaws to the Executive Director of the PCSDS through the Special Concerns Unit.

The original copy of the Certificate of Registration shall be kept by the owner of the chainsaw, while a duplicate copy shall be kept by the DMO concerned, and a triplicate copy shall also be kept by the Special Concerns Unit. An authenticated copy of the Certificate of Registration and an authenticated copy of the official receipt of registration shall also be issued by the DMO concerned, which must be with the chainsaw user at all times.

An authenticated copy of the permit/authority as stated in Item 9.4 of this Order shall also be with the chainsaw user at all times in case the chainsaw is in his/her possession, and/or is being operated, and is not of his/her registered ownership.

SECTION 11. Registration and Permit Fee - A permit fee of P500.00 for the purchase, importation, manufacture, sale, re-sale, transfer and/or disposition of chainsaws shall be collected for every permit issued. A registration fee of P500.00 shall likewise be collected for every chainsaw registered. The same amount shall be paid for renewal of registration or permit.

All issued Certificates of Registration and Permits shall be renewed thirty (30) calendar days at most before the expiration date reflected in the said certificates and permits.

Any money collected by the PCSDS as registration and/or permit fees or by way of fines for violations of this Order shall accrue to the PCSDS for monitoring and operational purposes.

A chainsaw owner who fails to register within the prescribed period shall pay the corresponding fines as follows:

Php 100.00 within one (1) month after the registration period

Php 200.00 for the 2nd succeeding month

Php 300.00 for the 3rd succeeding month and so forth but in no case shall the fine exceed Php 500.00

Chapter IV
Penal Provisions

SECTION 12. The following acts are punishable under this Order:

12.1 Selling, Purchasing, Re-selling, Transferring, Distributing or Possessing a Chainsaw Without a Proper Permit - Any person who sells, purchases, transfers the ownership, distributes, or otherwise disposes or possesses a chainsaw without first securing the necessary permit from the PCSD 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) or both at the discretion of the court, and the chainsaw/s confiscated in favor of the government.

12.2 Unlawful Importation or Manufacturing of Chainsaw - Any person who imports or manufactures a chainsaw without obtaining prior authorization from the PCSD 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).

12.3 Tampering Engine Serial Number - Any person who is found to have defaced or have tampered the original registered engine serial number of any chainsaw 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) nor

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more than Four Thousand Pesos (P4,000.00).

12.4 Actual unlawful Use of Chainsaw - Any person who is found to be in possession of a chainsaw and uses the same to cut trees and timber in forest land or elsewhere without the proper documents as stated in this Order or as authorized by the PCSD 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 chainsaw 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, association, partnership or corporation, the penalties herein provided shall likewise be imposed on such other person, or the responsible officer in such association, partnership or corporation.

If the offender as described in this Section is a public official, the offender shall be removed from office and perpetually disqualified from holding any public office, in addition to the above penalties.

All chainsaws confiscated under this Section shall be turned-over to the PCSDS which shall sell the same through public auction to persons duly authorized to own, posess and use chainsaw as explicitly enumerated under Section 6 hereof. Proceeds of sale thereof shall accrue to the PCSDS.

Operation and actual use of a chainsaw with an expired Certificate of Registration and Authorization (Annex 4) shall also be governed under this Section.

Out of the proceeds from public auction, 20% shall be given as reward to the informer in conformity with Section 15 hereof. The balance shall be used for operational expenses and for monitoring the compliance by the permitees with the terms and conditions of their permits or Certificate of Registration by the PCSDS.

The public auction shall be an official activity of the PCSDS pursuant to the implementation of R.A. 9175 in the Province of Palawan.

SECTION 13.Confiscation of Chainsaws - Chainsaw sold, purchased, resold, transferred, distributed, leased, rented, lent or possessed and chainsaws which are not registered or renewed under this regulation shall be judicially confiscated pursuant to a criminal case filed under Section 7, Paragraph 1 of R.A. 9175.

Chainsaws possessed and actually used to cut trees and timber in forestland as defined under Section 3 of this Order, or elsewhere without a valid Certificate of Registration and authorization, and chainsaws used as a tool or implement in cutting, gathering, collecting, removing and/or processing timber or forest products without the necessary legal documents shall be seized, and the chainsaw user shall be arrested even without a warrant. The apprehending party shall deliver the offender and the confiscated chainsaw(s) within thirty-six (36) hours, and file the proper complaint, with the appropriate official designated by law to conduct preliminary investigation and/or file an information in court.

The PCSDS shall have the power to administratively confiscate chainsaw/s which were not registered under this Order or have been used in illegal cutting of timber or forest products.

SECTION 14. Confiscation under Section 77 of P.D. 705 as amended and renumbered by Republic Act No. 7161.

Chainsaws used in cutting, gathering, collecting, removing and/or processing timber or forest products without legal documents shall be subject to judicial and/or administrative confiscation under Section 77 and 77-A of P.D. 705, as amended and renumbered by Republic Act No. 7161, and as implemented by DAO 97-32 and other subsequent forestry regulations that may be promulgated.

Chapter V

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Reward

SECTION 15. Reward - Any person who voluntarily gives information leading to the recovery or confiscation of an illegally possessed or unregistered chainsaw and the resultant conviction of persons charged thereof, shall be entitled to a reward equivalent to twenty percent (20%) of the value of the chainsaw unit(s) so confiscated. The amount necessary to carry out the purpose of this section shall be included in the budget of the PCSDS.

Chapter VI
Authority of the Chairman, PCSD

SECTION 16. The Secretariat - The Special Concerns Units (SCU) of the PCSDS shall act as the Secretariat, which shall coordinate with the Forest Management Service (FMS) of the DENR Provincial Environment and Natural Resources Office and the PCSDS District Management Offices. The SCU shall also maintain a database of all records, data and accounts of all imported, registered, confiscated and auctioned -off chainsaws.

SECTION 17. Revocation of Registration and Permit - The Chairman of the PCSD or his/her duly authorized representative may revoke any Certificate of Registration or Permit/Authority previously issued to a person, partnership or corporation found violating the rules and regulations issued pursuant thereto and shall be penalized in accordance with the provisions of this Order.

Registered chainsaws may be leased, rented or lent for a legal purpose, subject to the approval of the DMO concerned, otherwise the Certificate of Registration shall be revoked by the Chairman of the PCSD or his/her duly authorized representative: Provided that in cases of force majeure or where public safety and/or animal welfare are at stake, such DMO approval shall not be required.

A lost registered chainsaw shall be reported by the owner or chainsaw user to the nearest DMO within three (3) calendar days from the date of loss. The DMO concerned shall issue a recall of the Certificate of Registration, and inform the SCU of the said recall. The SCU then shall likewise inform the Chairman of the PCSD through the Executive Director of the PCSDS of said loss and recall of registration.

In case of unserviceable chainsaws, the owner shall immediately report the same to the DMO concerned and request for the revocation of the Certificate of Registration provided that if the Certificate of Registration has expired, the owner shall notify the DMO in writing that he/she is no longer renewing the Certificate of Registration.

Chapter VII
Final Provision

SECTION 18. Separability Clause - If, for any reason, any part or provision of this Order shall be declared as unconstitutional or invalid, such parts or provisions not affected thereby shall remain in full force and effect.

SECTION 19. Repealing Clause - All orders, memoranda, circulars, rules and regulations, or parts thereof which are inconsistent with any of the provisions of this Order are hereby repealed and/or amended accordingly.

SECTION 20. Effectivity - This Order shall take effect fifteen (15) days after its complete publication in at least two (2) local newspapers of general circulation and by posting copies to all municipal buildings, barangay halls, and conspicuous places in every municipality in Palawan.

Adopted: 12 Sept. 2003

(SGD.) VICENTE A. SANDOVAL
Chairman, PCSD

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[*] Not filed with ONAR

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