AMENDMENTS TO THE ADMINISTRATIVE ORDER NO. 2, SERIES OF 2005 RE: IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 8048 IN PURSUANCE TO THE LIFTING OF THE MORATORIUM

PCA ADMINISTRATIVE ORDER NO. 02, April 04, 2011

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Pursuant to PCA Board Resolution No. 027-2011 dated March 7, 2011 approving the lifting of moratorium on cutting of coconut trees and Board Resolution No. 028-2011 date March 7, 2011 likewise approving the amendments to certain provisions of the existing IRR, the following provisions which are underscored and boldly written shall form part of the Administrative Order and are hereby prescribed for the guidance and compliance of all concerned.

ARTICLE II – PROHIBITION

SECTION 7. Exception – Coconut trees may be cut only if the following requisites exist:

(c) The applicant has already planted the required equivalent number of seedlings, as attested to in the Certificate of Field Planting by the PCA Agriculturist and the Barangay Chairman or the head of the Small Coconut Farmers Organization (SCFO) or other PCA-recognized/accredited organization, for applications not involving land use conversion. The specific location of the planting site shall be stated in the Certificate of Field Planting issued for this purposes.

The regional/provincial offices concerned must conduct a regular monitoring of the replantings made by the applicants to ensure that the cut coconut trees were replaced. Likewise, a monthly visit to the replanted coconut trees must also be undertaken to guarantee that the newly planted coconut seedling are being taken cared of in accordance with the recommended principles and practices of good agricultural practices.

If the weather condition is not suitable for planting, the applicant shall pay to PCA Fifty Pesos (Ph 50.00) for every tree applied for cutting, in lieu of replanting. The said amount, which is the equivalent of five (5) seed nuts, shall be used by the PCA in its replanting program.

ARTICLE IV – APPLICATION FOR PERMIT TO CUT (PTC)

SECTION 14. Filing of Application

(a) Application to permit to cut coconut trees shall be made in accordance with the PCA prescribed form, stating the specific causes and circumstances therefore. No application for permit to cut shall be processed and approved unless all documents required are properly filled-up and complied with by the applicant(s).

(g) Prior to the release of the PTC, the concerned PCA employee and/ or official shall ensure that the permit is properly marked with dry seal of the issuing officer to avoid the use of tampered permit.

(h) To rationalize the whole process of accepting and granting of applications for PTC, the Regional/Provincial officers should establish a target or quota system of the number of applicants that shall be accepted and applications to be processed for a given month based on the available manpower and resources. This is to

minimize the problem associated with the inadequate manpower vis-a-vis the volume of applications being accepted and processed every month and to effectively monitor the cutting of trees and/or transport of coco lumber.

(i) Under no circumstances shall the cutting of coconut tree(s) in excess of what is stated in the approved PTC, be allowed. Any violation therefore should be reported immediately by the concerned PCA Agriculturist and the Provincial Coconut Development Manager (PCDM)/Division Chief to his/her respective Regional Manager (RM) for the filing of appropriate charges in court.

SECTION 17. Supporting Documents – The application shall be accompanied with the following supporting documents.

(d) Affidavit of marking and identification of tress. No application for Permit To Cut coconut tress shall be accepted and approved without the necessary affidavit of marking and identification of tress to be cut.

ARTICLE V- PROCESSING OF APPLICATION

SECTION 22. Monitoring and Evaluation

(c) All Permits to Cut and Transport Permits issued under these rules shall be subject to a post evaluation , review and audit to be conducted by the National Task Force of R.A. 8048, to determine and ensure compliance with the Act and its IRR. Hence, copies of all RA 8048 approved applications and supporting documents must be submitted to the Central Office through the Field Service Branch (FSB) to likewise effect proper monitoring.

ARTICLE VII – ISSUANCE OF PERMIT TO CUT

SECTION 29. Form and Validity of Permit To Cut – The Permit to Cut shall be in serialized form containing the name of the grantee, grounds for its issuance, the number of trees to be cut, the date of cutting, the area or locality, the validity period and such other information as may be required.

The validity and/or effectivity date of permit to cut issued to the applicants shall be based on the number of coconut trees approved for cutting. As such, the following schedule with the corresponding number of trees are prescribed:

i. Five (5) days - 1 to 100 coconut trees

ii. Ten (10) days - 101 to 500 coconut trees

iii. Fifteen (15) days - 501 to 1,500 coconut trees

iv. Twenty (20) days - 1,501 to 2,500 coconut trees

v. twenty-five (25) days - 2,501 to 5,000 coconut trees

vi. Thirty (30) days - 5,001 or more coconut trees

The specific effectivity date that corresponds to the number of coconut trees approved for cutting should be clearly specified in the approved PTC of the Applicants.

ARTICLE IX – PROGRAM MONITIORING

SECTION 35. Responsibility of PCA, LGUs, and Farmer’s Organizations

(c) To strengthen coordination with the LGUs and other Government Agencies and NGOs, the RMs, PCDMs/Division Chiefs and Agriculturist must attend all meetings conducted by the Barangay, Municipal,

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Provincial and Regional Development Council; to disseminate information regarding the local coconut industry situation particularly the PCA's campaign for the strict implementation of RA 8048.

(d) The RMs, PCDMs/Division Chiefs and Agriculturist must coordinAte regularly with the law enforcement agencies, such as the PNP, AFP Maritime Industry Authority (MARINA); the LGUs and industry stakeholders in their respective area of jurisdiction for the proper implementation of the law.

SECTION 37. Filing of the Complaint – Any criminal compliant for violations of Sec. 5 of RA 8048 may be initiated by the PCA Agriculturist or other authorized employee, member of the PNP and any person who has personal knowledge of the facts constituting the violation of R.A. 8048 and its IRR.

It can be commenced by filing a formal sworn complaint before the Office of the Provincial or City Prosecutor, or at the Municipal Trial Court of the place where the violation thereof was committed. All private complainants can avail of the assistance of the PCA employees and the PNP Station of the place where the violation was committed, in the preparation and filing of the necessary complaint for violation of this Act.

In case of complaint filed against PCA personnel, the concerned RM/ PCDM/Division Chief/Agriculturist must report immediately to the Office of the Administrator (OFAD) and/or Chairman of RA 8048 Task Force, case/complaint filed against them or to any PCA personnel implementing RA 8048 to provide immediate legal assistance. The report must be accompanied with the complete details of the case/complaint and the necessary documents.

SECTION 38. Transport Permit

(b) The approved transport/transhipment permit should be accompanied with an original copy of the Certificate of Origin (CO) duly signed by the Agriculturist or the PCDM having jurisdiction over the point of origin of the coconut logs or lumber; to serve as safety net in order to avoid recycling of such document.

ARTICLE XI – ENFORCEMENT

SECTION 45. Custodial Disposition

(b) The confiscated logs or lumber, instruments, tools and vehicles shall be recorded, inventories and duly receipted for by the proper police officer of the authorized barangay or municipal official. The report of such confiscation and custodial disposition shall be immediately made to the PCDM/Division Chief of the nearest PCA Provincial Office and to the PNP Station Commander in case the apprehending person is as PNP Officer. The illegally cut coconut trees, logs or lumber shall be turned over by the PNP to the PCA Regional or Provincial Office for proper accounting and disposal, unless the PCA authorized official concerned shall decide otherwise on account of distance and/or lack of storage facilities.

ARTICLE XII – PENAL PROVISIONS FORFEITURE AND DISPOSITION

SECTION 46. Penalties – The provision on Penalties under Section 8 of the Act is hereby adopted in toto and declared an integral part of these Rules.

Accordingly, any PCA officer and employees, who after investigation, found to have connived or participated in the act of violating any provisions of the Law and its IRR shall be charged either administratively and/or criminally, and shall be meted with appropriate penalty. Likewise, remission of duty or negligence on the part of the PCA officer and employee in strictly implementing RA 8048 shall be properly dealt with in accordance with the Civil Service Rules and Regulations.

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ARTICLE XIII – REPEALING CLAUSE

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

ARTICLE XIV – EFFECTIVITY

These Revised Rules and Regulations shall take effect fifteen (15) days after publication in two (2) newspaper of national and general circulation.

Adopted: 04 April, 2011

(SGD.) EUCLIDES G. FORBES
Administrator

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