

“A RESOLUTION AMENDING PCSD ADMINISTRATIVE ORDER NO. 07, SERIES OF 2003 OTHERWISE KNOWN AS THE IMPLEMENTING RULES AND REGULATIONS OF THE CHAINSAW ACT OF 2002 FOR THE PROVINCE OF...

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WHEREAS, Republic Act 7611 or the Strategic Environmental Plan (SEP) for Palawan, provides for the comprehensive framework for the sustainable development of Palawan compatible with enhancing the natural resources and endangered environment of the province and created the Palawan Council for Sustainable Development (PCSD) as the administrative machinery for its implementation, governance and policy direction;

WHEREAS, paragraph two (2), Section 9 of Republic Act No. 9175, otherwise known as the “Chainsaw Act of 2002”, provides, that “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 (SEP) for Palawan”.

WHEREAS, on September 12, 2003, the Council on a Special Council Meeting passed PCSD Resolution No. 03-215, approving the Implementing Rules and Regulations of the Chainsaw Act thereby enacting PCSD Administrative Order No. 07, series of 2003;

WHEREAS, to effectively achieve and pursue forest protection program declared under Republic Act 9175, there is a need to regulate the use of chainsaws to eliminate illegal logging and other forms of forest destruction;

WHEREAS, there is a need to extensively evaluate the qualifications of persons who are qualified to possess and use chainsaws to further conserve, develop and protect the forest resources under sustainable management;

WHEREAS, to reflect the intent of the farmers of Republic Act 9175, there should be a firm implementation of the Chainsaw Act to address the present problem on forest destruction;

WHEREAS, in order to effectively implement the provisions of the Chainsaw Act as well as its Implementing Rules and Regulations, there is a need to amend PCSD Administrative Order 07, series of 2003;

NOW THEREFORE, upon unanimous decision of the Council be it RESOLVED as it is hereby RESOLVED, that PCSD Administrative Order No. 07, series of 2003, be amended as it is hereby amended as provided hereunder for the compliance and guidance of all concerned in the Province of Palawan.

RESOLVED FURTHER, that the Department of Environment and Natural Resources, the Local Government Units and other concerned agencies be furnished copies of this Resolution and the revised PCSD Administrative Order No. 07.

Section 1. – Section 2 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

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, as well as to ascertain that individual applicant for registration are indeed qualified to possess and use the same for legal purposes;

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.

2.4 For effective and efficient implementation of the Chainsaw Act in the Province of Palawan.

Section 2. – The following definition of terms in Section 3 of PCSD Administrative Order No. 07 has been amended or deleted to read as follows:

Section 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. It shall likewise refer to circular saw capable of cutting timber, provided it is portable.

Section 3.5 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.

Section 3.6 Industrial Tree Farm – refers to plantation in an area of at least 100 hectares.

Section 3.7 Industrial Tree Farmer – shall refer to a person engaged in large- scale tree farming within private and public lands with an area of at least 100 hectares.

Section 3.8 Legal Purpose – shall refer to activities such as tree pruning, tree surgery, landscaping, timber stand improvement as authorized by the DENR in appropriate instances, and other allied silvicultural activities.

Section 3.9 MENRO – refers to the Municipal Environment and Natural Resources Officer.

Section 3.10 Non-commercial orchard and fruit tree farmers – shall refer to persons, natural or juridical, whose plantation is not for commercial purpose and such area is not less than one (1) hectare.

Section 3.11 Orchard – shall refer to lands, at least 1 hectare, planted with fruit trees and other trees of economic value, such as, but not limited to bamboo, coconut, anahaw and other palms

Section 3.12 PCSD – shall refer to the Palawan Council for Sustainable Development pursuant to R.A. 7611.

Section 3. – Section 4 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 4. Scope.

These rules and regulations shall cover the purchase, manufacture, ownership, possession, sale, transfer, importation and use of chainsaws. Henceforth, all chainsaw owners shall apply for registration with the PCSD.

Section 4. – Section 6 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 6. Persons authorized to own, possess and use chainsaws.

The PCSD may issue a Certificate of Registration to qualified owners, possessors and/or users of chainsaws falling under any of the following categories:

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

- Production Sharing Agreement;

- Co-Production Sharing Agreement;
- Private Land Timber Permit;
- Special Private Land Timber Permit;
- Community-Based Forest Management Agreement (CBFMA);
- Integrated Forest Management Agreement (IFMA);
- Socialized Industrial Forest Management Agreement (SIFMA);
- Philippine Coconut Authority (PCA) issued permits;
- 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.

Section 5. – Section 7 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 7. Registration of Chainsaws.

For purposes of registration, only chainsaw units owned and/or operated by government agencies/offices or Government Owned and Controlled Corporations (GOCCs) may be registered. The PCSD may issue the corresponding Certificate of Registration in the name of the government agency/office or GOCC who cause the registration of the unit if it finds such applicant to be qualified hereunder. No new registration may be granted to any person, natural or juridical, unless the PCSD authorizes such registration through a resolution.

The Certificate of Registration, previously granted/issued to chainsaw units belonging to individuals or entities and those who were allowed to renew the same and to those issued to government agencies/offices or GOCCs, shall also serve as the permit to own, possess and/or use the chainsaw for legal purpose; Provided, that when the intended use requires a permit/authority from other concerned government agencies/offices, such permit/authority shall first be secured prior to actual use. Provided further, that the chainsaw units without a serial number shall not be registered except those previously issued with a Certificate of Registration in which case the PCSD shall engrave a corresponding number for such unit/s.

7.1 Coding System of Registered Chainsaws

7.1.1. An alpha-numeric coding system as control number for registered chainsaws shall follow the following sequence: the initials provided in sub-section 7.1.2 as Municipal Code, where the chainsaw was registered; followed by the last two digits of the year when the chainsaw was registered; and the assigned number of the Chainsaw.

7.1.2. The following shall be the municipal codes for each municipality where the chainsaw shall be registered:

a.

Coron = CO

m.

Cagayancillo = CG

b.

Culion = CL

n.

Agutaya = AG

c.

Busuanga = BU

o.

Kalayaan = KY

d.

Linapacan = LN

p.

Puerto Princesa = PPC

e. Roxas = RX q. Aborlan = AB

f.

San Vicente = SV

r .

Narra = NR

g.

Dumaran = DU

s.

Quezon = QZ

h.

T aytay = TY

t.

Sofronio Española = ES

i.

El Nido = EN

u.

Brooke 's Point = BP

j.

Araceli = AR

v .

Rizal = RZ

k.

Cuyo = CY

w .

Balbac = BL

l.

Magsaysay = MG

x.

Bataraza = BZ

7.2 The control number, described in 7.1.1 assigned to every registered chainsaw shall be placed in the Certificate of Registration. The original copy of the Certificate of Registration shall be kept by the owner while the duplicate copy by the PCSD. A copy of the Certificate of Registration must be with the chainsaw operator at all times.

Section 6. – Section 8 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 8. Requirements for a Certificate of Registration.

Applicants for registration of chainsaws shall submit all of the following requirements to the PCSD.

8.1 For original / New Applicants

8.1.1. Holder of a subsisting Production Sharing Agreement, Co-Production Sharing Agreement, or a Private Land Timber Permit/Special Private Land Timber Permit, CBFMA, IFMA, SIFMA, Philippine Coconut Authority Issued

Permits, or other similar tenurial instruments:

- Duly accomplished Application Form;
- Copy of the tenurial instrument in the name of the applicant or an endorsement from the PCA if the use is for coconut trees;
- Proof of ownership of chainsaw (sales invoice, deed of sale, deed of donation, through succession, etc.);
- Stencil of Engine Serial number;
- Barangay Certificate;
- Registration Fee.

8.1.2. Orchard or fruit tree farmer or industrial tree farmer

- Duly accomplished Application Form;
- Proof of ownership of chainsaw (sales invoice, deed of sale, deed of donation, through succession, 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;
- Copy of Original Certificate of Title, Transfer Certificate of Title, other documents that can prove ownership or legitimate possession of a piece of agricultural land;
- Stencil of Engine Serial number;
- Registration fee.

8.1.3 Licensed Wood Processors

- Duly accomplished Application Form;
- Copy of accredited/approved Wood Processing Establishment Permit, or similar business permits from the Local Government Unit;
- Proof of ownership of chainsaw (sales invoice, deed of sale, deed of donation, through succession, etc);
- Stencil of Engine Serial number;
- Barangay Certificate;
- Notarized Certification of legal source of raw materials.
- Registration fee;

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;
- Certification from Head of Office or his/her authorized representative that chainsaws are owned/possessed by the office and used for legal purpose (specify);
- Proof of ownership of chainsaw (sales invoice, deed of sale, deed of donation, 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;
- Affidavit that the chainsaw will be used for personal and for a legal purpose;
- Proof of ownership of chainsaw (sales invoice, deed of sale, deed of donation, through succession, etc);
- Stencil of Engine Serial number;
- Barangay Certificate;

- Copy of Original Certificate of Title, transfer Certificate of Title, other documents that can prove ownership or legitimate possession of a piece of agricultural land;
- Registration fee.

Registered units in a certain municipality cannot be used/operated in another municipality, unless duly authorized by the PCSD. The same must also be used only for the purpose it was registered for as stated in the Certificate of Registration. In cases where the use or operation in another municipality is not authorized in the Certificate of Registration, the PCSD may issue a Transport Permit, provided the requirements for such use or operation has been submitted.

When the unit requires service or repair, and that there is no repair or service center in the municipality where the unit was registered, the same may be brought to another municipality, provided, that the PCSD issues a certification for such purpose.

Section 7. – Section 9 of PCSD Administrative Order No. 07 is hereby amended to read as follows:

Section 9. Requirements for permit/authority to purchase, import, manufacture, transport and/or sell/transfer ownership of chainsaws.

Applicants for permit/authority to purchase, import, manufacture, transport and/or sell/transfer ownership of chainsaws shall submit the following requirements:

9.1 Permit to Purchase or Import

9.1.1 Duly accomplished application form together with the following details:

- Number of chainsaws to 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, LGU Business Permit, SEC registration or CDA registration;

9.1.3 If applicant is an individual, affidavit that he will use the chainsaw for legal purposes only;

9.1.4 Certified copy of Tenurial Instrument or Permit to Utilize/Cut issued by concerned agencies, Original Certificate of Title or Transfer Certificate of Title or other title/document of ownership of real property in applicant's name;

9.1.5 Copy of purchase orders, if imported;

9.1.6 Permit fee.

9.2 Permit to manufacture

9.2.1 Duly accomplished application form 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 Transport.

9.3.1 Duly accomplished application form;

9.3.2 Certificate of Registration;

9.3.3 Certified copy of Tenurial Instrument or Permit to Cut issued by concerned agencies, Original Certificate of Title or Transfer Certificate of Title or other title/document of ownership of real property in applicant's name;

9.3.4 Permit fee.

9.4 Permit to sell/transfer of ownership.

9.4.1 Duly accomplished application form together with the number and specifications of the chainsaw(s);

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

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

9.4.4 Certificate of Registration;

9.4.5 Permit Fee.

Section 8. – Section 10 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 10. Processing of Application

Applications for a Certificate of Registration or Permits/Authorizations under this Order shall be filed with the PCSD thru the District Management Office concerned or in the Project Operation and Implementation Department of the PCSDS. Such application shall thereafter be evaluated by the assigned district staff upon submission by the applicant of the complete requirements and payment of the registration fee or permit fee. The Staff who evaluated the application shall submit his/her recommendations together with the application form and the attachments thereto to the Office of the Executive Director for appropriate action.

When a chainsaw unit subject of an application for registration is seized or confiscated for violation of a law or this Order, the processing of such application shall be suspended. The processing of the application shall resume once the case is dismissed on the merits. However, if the case shall prosper, the PCSD shall impose the administrative penalties as herein provided.

Section 9. – Section 11 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 11. Registration and Permit Fee.

A permit fee of P500.00 for the purchase, importation, manufacture, transport and sale/transfer 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.

Any money collected by the PCSD as registration and/or permit fees under this Order and payments made by way of fines as a penalty for violation of this Order shall accrue to the PCSD fund to be used for the effective implementation of the law.

Section 10. – Section 12 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 12. Renewal of Registration

The following shall be required for the renewal of certificate of registration:

- Duly accomplished Application Form with the attached requirements.
- Original copy of the latest Certificate of Registration of Chainsaw
- Certification as to no conviction of a Criminal and/or Administrative Case for violation of the Chainsaw Act and its Implementing Rules and Regulations
- Registration fee

As much as possible application for renewal shall be filed at least thirty (30) calendar days before the expiration date reflected in the said certificates.

Section 11. – Section 13 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 13. Validity of Certificate of Registration and Permits

The Certificate of Registration of a chainsaw 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 individuals or 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.

Chainsaw units that were registered and issued a Certificate of Registration by virtue of Section 8.1.1 of this Order shall be surrendered to the PCSD, thru its District Management Offices for safe keeping in the event that the tenurial instrument/cutting permit for which their registration was granted had expired or was consumed. The same shall be returned to the registered owner when a new tenurial instrument/cutting permit has been issued in their name by the concerned government agency, provided that the Certificate of Registration issued to them is still valid, otherwise, they should apply for a renewal of their Certificate of Registration.

Every permit to purchase, import, manufacture, transport, sell/transfer ownership, shall be valid for a period of one (1) year from date of issuance or when the purpose to which it was issued has been completed.

Section 12. – Section 14 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 14. Chainsaws used for cutting Coconut Trees.

All chainsaw units whose intended use is to cut coconut trees may be registered provided an endorsement from the Philippine Coconut Authority (PCA) has been submitted by the applicant as a requirement. Chainsaws registered with the PCA shall only be used to cut/fell or slice coconut trees. It shall be the responsibility of the PCA to monitor the use of said chainsaw units.

Section 13. – Section 15 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 15. The following acts are prohibited under this Order and shall therefore be subject to seizure:

15.1 No person shall sell, purchase, re-sell, transfer the ownership, dis-tribute, or otherwise possess a chainsaw without first securing the necessary permit from the PCSD.

15.2 No person shall import or manufacture a chainsaw in the province without obtaining prior authorization from the PCSD.

15.3 No person shall deface or tamper the original registered engine serial number of any chainsaw unit.

15.4 No person shall use a chainsaw unit to cut trees or timber in forestland or elsewhere without the proper documents/permits from the concerned government agencies.

15.5 No person shall, in any case, be allowed to assemble a chainsaw unit.

15.6 No person shall use an unregistered chainsaw unit;

15.7 No person shall operate and/or use a chainsaw with an expired Certificate of Registration.

15.8 No person shall be allowed to use or possess any registered chainsaw outside the municipality where the same is registered unless so authorized.

15.9 No Chainsaw dealer and/or owner shall sell a chainsaw unit to a person or entity who does not possess a valid permit to purchase nor for a dealer or owner to sell without a valid permit to sell.

15.10 No registered chainsaw unit shall be used for any purpose aside from that to which it was registered except in emergency cases to prevent danger to life or property.

Section 14. – Section 16 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 16. Administrative Proceedings.

The PCSD through the PCSD Adjudication Board and by virtue of PCSD Resolution No. 207, as amended by PCSD Resolution No. 238 shall have the power to administratively hear and try cases for acts prohibited under this Order. The adjudication of said cases shall be a proceeding in rem, hence, upon the filing of the administrative complaint, the chainsaw unit/s seized or confiscated shall, simultaneous thereto, be turned over to the PCSD.

Chainsaw unit/s used in acts prohibited under this Order and found to be so, shall be forfeited in favor of the government. The PCSD Adjudication Board however may, in its discretion, impose an administrative fine for units which are registered but was used in violation of this Order.

The PCSD Adjudication Board, in cases where only an administrative case was filed, shall, aside from forfeiting the unit and imposition of a fine if evidence warrants, may cause the filing of a criminal case in the Office of the Provincial Prosecutor for violation of the Chainsaw Act of 2002.

If the violation was committed by or through the command or order of another person aside from the owner of the chainsaw unit, 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.

The PCSD Adjudication Board after due notice and hearing may revoke any Certificate of Registration or Permit issued to a person, partnership or corporation found violating the rules and regulations issued pursuant thereto or the terms and conditions stated in the Certificate of Registration and shall be penalized in accordance with the provisions of this Order.

Section 15. – Section 17 of PCSD Administrative Order No. 7 has been amended to read as follows:

Section 17. Lost, Stolen or Unserviceable Chainsaw unit.

A lost or stolen registered chainsaw shall be reported by the owner or chainsaw user to the PCSD within three (3) calendar days from date of loss, a police blotter and an affidavit to that effect shall be submitted. The PCSD shall issue a recall of the Certificate of Registration.

In case of unserviceable chainsaws, the owner shall immediately report the same to the PCSD and request for the revocation of the Certificate of Registration. If the owner intends to replace the said unit with a new one, he/ she shall notify the PCSD in writing provided that the Certificate of Registration of the unserviceable unit

is still valid. A permit to purchase shall thereafter be issued subject to the requirement provided in Section 9.1 of this Order and the unserviceable unit surrendered to the PCSD. The registration of the new unit as replacement of the unserviceable one shall be valid only for the period equivalent to the unexpired portion of the Certificate of Registration.

Adopted: 17 Nov. 2006

(SGD.) ROMEO B. DORADO

Acting Secretary

Approved for the Council:

(SGD.) ABRAHAM KAHLIL B. MITRA

Chairman, PCSD

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