

9.2 Permit to manufacture

9.2.1 Duly accomplished application form 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/dispose/distribute/transfer of ownership

9.2.4 Duly accomplished application form together with the number and specifications of chainsaws to be sold

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

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

9.2.7 Permit fee

9.4 Authority to lease, rent or lend

9.4.1 Letter request

9.4.2 Contract of lease, rent, lending

9.4.3 Copy of chainsaw registration

Sec. 10. Issuing Authority. Application for Permit to Import and Manufacture chainsaws shall be filed at the Office of the Regional Executive Director 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 FMB Secretariat, a triplicate copy to the Regional Executive Director and authenticated copy to 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 Office of the CENRO 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 FMB Secretariat, and a triplicate copy to the CENRO.

Certificate of Registration shall be issued by the CENRO concerned to qualified applicants within 15 working days upon application. The CENRO shall maintain a registry book and submit a periodic report of all registered chainsaws to the Secretary through channels.

The original copy of the Certificate of Registration shall be kept by the owner of the chainsaw, a duplicate copy by CENRO and a triplicate copy by FMB Secretariat while an authenticated copy of Certificate of Registration shall be in the person operating the chainsaw at all times together with an authenticated copy of official receipt of registration.

Sec. 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 be collected for every chainsaw registered. The same amount shall be paid for renewal of registration or permit.

CHAPTER IV

PENAL PROVISIONS

Sec. 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 possess a chainsaw without first securing the necessary permit from the Department 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 (P 15,000.00) but not more than Thirty Thousand Pesos (P 30,000.00) 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 Department 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 (P 1,000.00) nor more than Four Thousand Pesos (P 4,000.00).

12.3 **Tampering of Engine Serial Number.** – Any person who is found to have defaced or tampered with the original registered engine serial number of any chain saw 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 (P 1,000.00) nor more than Four Thousand Pesos (P 4,000.00).

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 except as authorized by the Department 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 (P 30,000.00) but not more than Fifty Thousand Pesos (P 50,000.00) 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, partnership or corporation, the penalties herein provided shall likewise be imposed on such other person, or the responsible officer (s) in such partnership or corporation.

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

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

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 shared between the FMB Secretariat and the PENRO/CENRO concerned on 40%:60% basis which shall be used for operational expenses of the former and for monitoring the compliance by the permittees with the terms and conditions of their permits or Certificate of Registration by the latter.

Sec. 13. The following chainsaws shall be subject to confiscation:

13.1 Chainsaws sold, purchased, resold, transferred, distributed, leased, rented, lent or possessed without proper permit or authority from the Department.

13.2 Chainsaws possessed and actually used to cut trees and timber in forest land or elsewhere without valid Certificate of Registration.

13.3 Chainsaws used as a tool or implement in cutting, gathering, collecting, removing and/or processing timber or forest products without legal documents.

Sec. 14. Confiscation of Chainsaws

Judicial Confiscation

Chainsaws sold, purchased, resold, transferred, distributed, leased, rented, lent or possessed and chainsaws possessed and actually used to cut trees and timber in forest land or elsewhere without authority shall be judicially confiscated pursuant to a criminal case filed under Section 7, item (1) and (4) of R.A. 9175 otherwise known as an Act Regulating the Ownership, Possession, Sale, Importation and Use of Chainsaws, Penalizing Violations Thereof and for Other Purposes.

Chainsaws which are not registered or renewed under this regulation shall be considered unlawfully sold, purchased, transferred, distributed, disposed or possessed. The CENR Office concerned where such chainsaws are supposed to be registered or renewed shall issue a written declaration to such effect and file the necessary complaint with the appropriate official authorized by law to conduct a preliminary investigation of criminal cases and/or file an information in court.

Chainsaws possessed and actually used to cut trees and timber in forest land or elsewhere without any authority shall likewise be judicially confiscated in favor of the government. If the unlawful use is committed in the presence of Environment and Natural Resources Officer (ENRO), the user/possessor shall be arrested even without warrant and the chainsaw(s) seized. The arresting ENRO shall deliver within thirty six (36) hours the offender and the chainsaw to, and file the proper complaint, with the appropriate official designated by law to conduct preliminary investigation and/or file an information in court.

Chainsaws sold, purchased, resold, transferred, distributed, leased, rented, lent or possessed without permit, which are displayed in open view shall be seized and the possessor shall be arrested even without warrant. The arresting ENRO shall deliver within thirty six (36) hours the offender and the chainsaw(s) to, and file the proper complaint with the appropriate official designated by law to conduct preliminary investigation and/or file an information in court.

Confiscation Under Section 68, P.D. 705 as amended

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 68 and 68-A of P.D. 705, as amended, and as implemented by DAO 97-32 and other subsequent forestry regulations that may be promulgated.

CHAPTER V

REWARD

Sec. 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 Department.

CHAPTER VI

AUTHORITY OF THE SECRETARY

Sec. 16. The Secretariat. A Secretariat is hereby organized at the Forest Management Bureau which shall coordinate with the Joint Congressional Oversight Committee and DENR field offices. It shall also maintain a data base of all records, data and accounts of all imported, registered, confiscated and auctioned-off chainsaws.

The CENROs, through the PENROs and the REDs shall submit monthly report of chainsaw purchasers, importers, manufacturers and dealers and chainsaws registered, confiscated or disposed of to the said Secretariat who shall submit a consolidated monthly report to the Secretary furnishing a copy to the Joint Congressional Oversight Committee for information and record as specified in Section 11 of RA 9175.

Sec. 17. Revocation of Registration and Permit. The Secretary or his 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 CENRO concerned, otherwise the Certificate of Registration shall be revoked by the Secretary or his/her duly authorized representative: *Provided* that in cases of force majeure or where public safety is at stake, such CENRO approval shall not be required.

A lost registered chainsaw should be reported by the owner/user to the nearest DENR office within three (3) calendar days from date of loss. The said DENR Office shall issue a recall of the Certificate of Registration, and inform the issuing CENRO of said recall. The said DENR office shall likewise inform the Secretary, through the FMB Secretariat of said loss and recall of registration.

In case of unserviceable chainsaws, the owner shall immediately report the same to the CENRO 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 CENRO in writing that he is no longer renewing the Certificate of Registration.

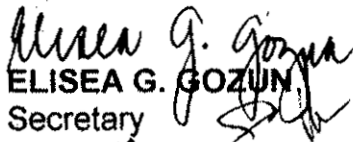

CHAPTER VII

FINAL PROVISIONS

Sec. 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.

Sec. 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.

Sec. 20. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation and upon acknowledgement of the UP Law Center.


ELISEA G. GOZUN
Secretary


PUBLICATION:

Manila Bulletin - July 03, 2003
Manila Standard - July 03, 2003