



Republic of the Philippines
Office of the President
PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT



Excerpts from the Minutes of the 183rd PCSD Regular Meeting
Executive Board Room, SEAMEO-Innotech Building
Commonwealth, Avenue, Diliman, Quezon City
27 January 2012

Present:

1. Gov. Abraham Kahlil B. Mitra, Provincial Governor -Chairperson
2. Hon. Alfredo E. Abueg, Jr., Past PCSD Chair -Member
3. Hon. Vicente A. Sandoval, Past PCSD Chairperson -Member
4. Asec. Roberto V. Oliva, DENR -Member
5. Hon. Evelyn V. Rodriguez, League of Municipalities -Member
6. Hon. Ramon A. Zabala, Liga ng mga Barangay -Member
7. Dir. Romeo B. Dorado, OIC-Executive Director -Secretary
8. P/S Supt Reynaldo B Jagmis, PNP -Member
9. Commo Joseph Rostum O Peña, NAVFORWEST -Member

Absent:

10. Hon. David A. Ponce de Leon, Co-Author of R.A. 7611 -Vice Chairperson
11. Hon. Joel T. Reyes, Past PCSD Chairperson -Member
12. Mr. Nikos Getsis, Palawan Tourism Council -Member
13. Hon. Edward S. Hagedorn, Mayor, Puerto Princesa City -Member
14. Deputy Director General, NEDA -Member
15. Hon. Edilberto M. De Luna, Da -Member

PCSD Resolution No. 12-432

APPROVING THE REVISED PCSD ADMINISTRATIVE ORDER NO. 07, SERIES OF 2012, OTHERWISE KNOWN AS THE REVISED IMPLEMENTING RULES AND REGULATIONS OF THE CHAINSAW ACT OF 2002 (RA NO. 9175)

WHEREAS, R.A. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan, took effect on 19 June 1992, section 6 of which provides that the SEP shall serve as the framework to guide the government agencies concerned in the formulation of plans, programs and projects affecting the environment and natural resources of Palawan;

WHEREAS, Section 2 thereof declares the policy of the State to protect, develop and conserve its natural resources towards which, it shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socioeconomic development goals of the country; that it shall support and promote the sustainable development goals for the provinces through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis;

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WHEREAS, this same law provides that the SEP shall have, as its general philosophy, the sustainable development of Palawan, which is the improvement in the quality of life of its people in the present and future generations through the use of complementary activities of development and conservation that protect life-support ecosystems and rehabilitate exploited areas to allow upcoming generations to sustain development growth;

WHEREAS, Section 7 of the same provides that the SEP shall establish, as its main strategy, a graded system of protection and development control over the whole of Palawan, including its tribal lands, forests, mines, agricultural areas, settlement areas, small islands, mangroves, coral reefs, seagrass beds and the surrounding sea, known as the Environmentally Critical Areas Network (ECAN), and which shall ensure the following: forest conservation and protection; protection of watersheds; preservation of biological diversity; protection of tribal people and the preservation of their culture; maintenance of maximum sustainable yield; protection of the rare and endangered species and their habitat; provision of areas for environmental and ecological research, education and training; and provision of areas for tourist and recreation;

WHEREAS, Section 16 thereof provides that the governance, implementation and policy direction of the SEP shall be exercised by the Palawan Council for Sustainable Development (PCSD);

WHEREAS, Section 19 of this act provides that the PCSD shall (8) adopt, amend and rescind such rules and regulations and impose penalties for the effective implementation of the SEP law, (9) enforce the provisions of this Act and other existing laws, rules and regulations similar to or complementary with this Act; (10) perform related functions which shall promote the development, conservation, management, protection, and utilization of the natural resources of Palawan; and (11) perform such other powers and functions as may be necessary in carrying out its functions, powers, and the provisions of this Act;

WHEREAS, the Council is vested with the power to promulgate the rules and regulations governing the exploration, development, conservation extraction, disposition, use of natural resources and such other commercial activities related thereto in the province of Palawan;

WHEREAS, on November 7, 2002, Republic Act No. 9175, otherwise known as the Chainsaw Act of 2002, was passed into law to carry out the declared policy of the State to conserve, develop and protect the forest resources under the sustainable forest management by pursuing 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; pursuant to Section 9 of R.A. 9175, which provides that the Council shall be the lead implementing agency in the Province of Palawan pursuant to Republic Act No.7611 or the Strategic Environmental Plan for Palawan, the PCSD promulgated PCSD Administrative Order No. 07, series of 2006;

WHEREAS, based on a thorough study of existing rules, discussion of a number of issues and procedural gaps in the implementation thereof, there is a need to make substantial amendments and revisions as well as additional provisions on matters not previously included in Admin Order No. 7, series of 2006 but which necessitate regulation by the PCSD such as, but not limited to the following: nature of the proceedings of chainsaw cases before the PAB, lacking detailed regulations on the manufacture, dealership (both of the whole unit and spare parts), special use, importation and repair of chainsaw units, insufficient rules on the possession/ownership, sale/re-sale and transport of chainsaw unit, wanting prohibitions and their corresponding fines on some acts obviously made to circumvent the intents of the Chainsaw Act, etc.;

WHEREFORE, for and in consideration of the above premises, upon motion, duly seconded, be it RESOLVED, as it is hereby resolved, TO APPROVE, as it is hereby approved,

Revised Implementing Rules and Regulations of the Chainsaw Act of 2002, Series of 2012, which Admin Order is made an integral part of this Resolution as ANNEX A;

RESOLVED FURTHER, that any amendment or addition that the members of this Council would want to pursue or include shall still be entertained until the February 2012 Regular Council Meeting and that after such date, with or without any amendment/addition, this Revised Rules shall be deemed fully approved and shall be subjected to the requirement of publication for effectivity;


RESOLVED FINALLY, that a copy of this Resolution be furnished to all concerned agencies and stakeholders.

APPROVED and **ADOPTED** this 27th day of January 2012 in Quezon City.

I hereby certify to the correctness and accuracy of the above-quoted resolution.


ROMEO B. DORADO
Secretary

ATTESTED :


HON. ABRAHAM KAHLIL MITRA
Chairman



REVISED ADMINISTRATIVE ORDER No. 07
Series of 2012

REVISED IMPLEMENTING RULES AND REGULATIONS
OF THE CHAINSAW ACT OF 2002 (RA NO. 9175)

Pursuant to Section 9 of R.A. No. 9175, otherwise known as the "Chainsaw Act of 2002" the revised rules and regulations governing the implementation of said Act is hereby promulgated for the compliance and guidance of all concerned in the province of Palawan.

CHAPTER I
BASIC POLICY, OBJECTIVES,
AND DEFINITION OF TERMS

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 chainsaw units.

Section 2. Objectives. This revised administrative order is promulgated to further achieve the following objectives:

- a. To regulate and monitor the manufacture, dealership, purchase, ownership, possession, sale/re-sale, transfer, importation, transportation, use and special use of chainsaw units to prevent them from being used in illegal logging or unauthorized clearing of forests;
- b. To regulate and monitor the dealership of chainsaw spare parts to prevent the unauthorized assembling of chainsaw units;
- c. To regulate and monitor the operation of chainsaw service/repair shops in order to monitor and prevent the proliferation of unregistered, expired and assembled chainsaw units; and,
- d. To establish and maintain a database of chainsaw units and the persons involved in activities allowed under this Order.

Section 3. Definition of Terms. For purposes of this Order, the following terms shall be defined accordingly:

- a. **Chainsaw unit** – refers 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;
- b. **Dealership** of chainsaw unit and/or spare parts – the business of buying and selling chainsaw units and/or their spare parts;

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- c. **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;
- d. **Importation** of chainsaw unit – the importation of chainsaw unit from other country to the Philippines;
- e. **Industrial Tree Farmer** – a person engaged in large scale tree farming in private lands;
- f. **Legal purpose** – the use of chainsaw unit which is *legal* and *permanent in character* so as to qualify for the issuance of Certificate of Registration other than for the purposes stated from Section 8.1.a (i) to 8.1.a (iv) and Section 8.1.b of this Order, which purpose includes, but is not limited to, the business of bakery, tree pruning, tree surgery, landscaping, timber stand improvement, other allied silvicultural activities and others as may be determined by the PCSD upon evaluation;
- g. **Manufacture** of chainsaw unit – the production of chainsaw units from raw materials for commercial purposes and which activity is undertaken within the province of Palawan regardless of the destined market.
- h. **Natural and Residual Forests** – are forests composed of indigenous trees, not planted by man (adopted from E.O. 23);
- i. **Orchard and Fruit Tree Farmer** – a person engaged in farming lands planted with fruit trees and other trees of economic value, including bamboo, coconut, anahaw and other palms;
- j. **Possession and Use** of chainsaw unit – the possession and use of chainsaw unit acquired by purchase, donation or succession by persons who possess the qualifications under Section 8.1 of this Order and who are required to secure Certificates of Registration from the PCSD except for authorized manufacturers and dealers;
- k. **Purchase** of chainsaw unit – the purchase of chainsaw units by persons who possess the qualifications under Section 8.1 of this Order and which requires the prior issuance by the PCSD of a Permit to Purchase except for dealers with valid Dealership Permit;
- l. **Spare parts** of chainsaw unit – For purposes of this Order, chainsaw parts shall include only those parts which are considered as essential to the operation of a chainsaw unit such as, but not limited to (or their equivalent depending on the brand), *piston, cylinder, muffler, crankcase/crankshaft, oil pump, clutch, starter, flywheel, ignition, clutch cover, carburettor, air filter, handlebar/shroud, chain catcher, decompression valve, hand guard, chain brake, throttle, guide bar, chain, anti-vibration mounts, drive sprocket, drive sprocket bearings, felling dogs, fuel filters, gasket sets, and oiler parts*;
- m. **Special Use** of chainsaw unit – the use of a chainsaw unit registered to another person by any person who does not possess/own a chainsaw unit but who possesses any of the qualifications enshrined under Section 9 of this Order OR by any person who is not qualified under this Order to purchase and own a chainsaw unit but has a valid purpose for the use thereof as determined by the PCSDS. This also includes the use by a registered owner of his unit for purposes other than that stated in his Certificate of Registration;

- n. **Sale/Re-sale** of chainsaw unit – the selling or re-selling of a chainsaw unit by a registered owner to a person who has a valid Permit to Purchase and which sale or re-sale requires the prior issuance of a Permit to Sell except for Manufacturers and Dealers with valid Permit to Manufacture and Dealership Permit in the course of their business;
- o. **Service/Repair** of chainsaw unit –the business of repairing chainsaw units with registration or covered by a Dealership/Manufacture Permit and which business requires the issuance of Permit to Operate Service/Repair Shop from the PCSD;
- p. **Transfer by Donation** – the donation of a chainsaw unit by a registered owner to another person who is qualified to possess under Section 8.1 of this Order which transfer requires the prior issuance by the PCSD of Permit to Transfer by Donation;
- q. **Transfer by Succession** – the acquisition of a chainsaw unit under the rules of succession by any person from a registered decedent subject to the approval of the application for a Transfer of Certificate of Registration;
- r. **Transport** of chainsaw unit – the carrying of the chainsaw unit from the municipality of registration to another municipality or to any place outside the province of Palawan and which requires the prior issuance of Permit to Transport except in some cases provided under this Order;

CHAPTER II GENERAL PROVISIONS

Section 4. Scope and Coverage. The provisions of this Revised Rules shall govern the manufacture, dealership of chainsaw units and/or spare parts, possession and use of chainsaw units by purchase, donation or succession, special use, importation, sale/re-sale, transportation of chainsaw units and operation of service/repair shops in the Province of Palawan.

Section 5. Administrative Adjudication. The PCSD through the PCSD Adjudication Board (PAB), by virtue of PCSD Resolution No. 10-396, shall have the power to administratively hear and try cases filed pursuant to the provisions of this Order. The proceedings for cases filed before the PAB shall be in the nature of a proceeding *in rem* if the chainsaw unit involved is abandoned. If there is a claimant, however, the proceedings shall be *in personam*.

CHAPTER III ALLOWABLE ACTIVITIES

Section 6. Manufacture of Chainsaw Unit. The manufacture of chainsaw units shall only be allowed for chainsaw manufacturing business purposes and shall be issued with a *PCSD Permit to Manufacture*. The manufacture of chainsaw units for purposes other than sale as incident to the business of manufacture and the use of chainsaw unit by an authorized manufacturer shall be subject to Section 8 of this Order on qualification to possess and use and issuance of Certificate of Registration.

Section 6.1. Requirements. Applicants for PCSD Permit to Manufacture must submit/comply with the following requirements:

- a. Duly accomplished Application Form, which shall include description of chainsaw units to be manufactured;

- b. Business operation permit from DTI, Bureau of Product Standards and local government (Mayor's Permit, etc.);
- c. Any proof showing that the intended market is not limited within the province of Palawan;
- d. Permit Fee.

Section 6.2. Procedure. The following procedure shall govern the application for, evaluation and issuance of Permit to Manufacture:

- a. Simultaneous with the payment of fees, submission to concerned PCSDS Office/division of the Application together with the requirements under Section 6.1 of this Order;
- b. Evaluation by the concerned PCSDS Office/Division;
- c. The result of evaluation together with the application and submitted requirements shall be forwarded to the PCSDS Executive Director for approval of the Council;
- d. Approval by the Council of the application;
- e. Issuance of the Permit to Manufacture by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
- f. Release of the Permit.

Section 6.3. Compliance with other PCSD Permits; Exceptions. PCSD authorized manufacturers shall also comply with other permits required under this Order (permit to import, etc.). However, the *sale* of manufactured chainsaw units, the *purchase* of raw materials in the manufacture thereof, and their *transport* from place of manufacture to other places in Palawan for purposes of delivery to persons with valid Permit to Purchase (in case of individual) or Dealership Permit (in case of authorized dealers) shall NO LONGER require Permit to Sell, Permit to Purchase and Permit to Transport.

Provided, that an authorized manufacturer shall only sell chainsaw units to dealers with Dealership Permit or to individuals with Permit to Purchase.

Section 6.4. Quarterly Reportorial requirements. Authorized manufacturers of chainsaw units shall submit a quarterly (March, June, September and December) report of their transactions/activities during the quarter, which shall include the following details: number of chainsaw units manufactured, engine serial numbers of the units manufactured, number of manufactured units sold/disposed, engine serial numbers of the units sold, authorized persons to whom the units were sold with the latter's addresses and place of delivery and photocopy of their Permit to Purchase/Dealership Permit.

Section 6.5. Validity Period of Permit to Manufacture. The Permit to Manufacture shall be valid for a period of 2 years, renewable for the same period subject to re-evaluation of permittee's qualification and compliance with the provisions of this Order

Section 7. Dealership/Distribution of Chainsaw Units. Any person who is engaged/intends to engage in the business of buying and selling chainsaw units shall secure a *Dealership Permit* from the PCSD. The use of chainsaw unit by an authorized dealer for purposes other than the business of dealership shall be subject to the qualifications and requirements under Section 8 of this Order.

Section 7.1. Requirements. Applicants for PCSD Dealership Permit must submit/comply with the following requirements:

- a. Duly accomplished Application Form;
- b. Business operation permit from DTI and local government (Mayor's Permit, etc.);
- c. Permit Fee.

Section 7.2. Procedure.

- a. Simultaneous with the payment of fees, submission to concerned PCSDS office/division of the Application together with the requirements under Section 7.1 of this Order;
- b. Evaluation by the concerned PCSDS Office/Division;
- c. The result of evaluation together with the application and submitted requirements shall be forwarded to the PCSDS Executive Director;
- d. Approval by Executive Director of the application;
- e. Issuance of the Dealership Permit by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
- f. Release of the Permit.

Section 7.3. Compliance with other PCSD Permits; Exceptions. PCSD authorized dealers shall also comply with other permits required under this Order (permit to import, etc.). However, the *purchase* and *sale* of chainsaw units and their *transport* from place of purchase (supplier) to place of dealer's business OR from place of dealer's business to other places in Palawan for purposes of delivery to persons with valid Permit to Purchase/Dealership Permit shall NO LONGER require Permit to Sell, Permit to Purchase and Permit to Transport.

Provided, that authorized dealers shall only buy chainsaw units from other authorized dealers or suppliers AND shall only sell chainsaw units to persons with valid Permit to Purchase or to other authorized dealers with valid Dealership Permit.

Section 7.4. Quarterly Reportorial requirements. Authorized dealers of chainsaw units shall also submit a quarterly (March, June, September and December) report of their transactions/activities during the quarter, which shall include the following details: number of chainsaw units purchased, engine serial numbers of the units purchased, supplier or source of the chainsaw units purchased, number of units sold/disposed, engine serial numbers of the units sold, authorized persons to whom the units were sold with the latter's addresses and place of delivery and photocopy of their Permit to Purchase.

Section 7.5. Dealers of Spare parts. All PCSD authorized dealers of chainsaw units may engage in "dealing of spare parts". Provided, that such "dealing of spare parts" has been expressly applied for in the application and expressly allowed in the Dealership Permit.

Any person who is not an authorized dealer of chainsaw units BUT who intends to engage in the dealing of *spare parts alone* must still secure a Dealership Permit subject to the same requirements under Section 7.1 hereof.

Any authorized dealer of spare parts may purchase from authorized suppliers without need of securing a Permit to Purchase and may sell said spare parts without need of securing Permit to Sell.

Provided, that, in any case, spare parts may only be sold to persons with valid Certificate of Registration, or to any other PCSD authorized Dealers.

Provided further, that all transactions involving spare parts of chainsaw units shall also be reported to the PCSDS on a quarterly basis (March, June, September and December) with the following details: kind and number of spare parts purchased, supplier or source of the spare parts purchased, kind and number of spare parts sold/disposed, authorized persons to whom the parts were sold with the latter's addresses and place of delivery and photocopy of their Certificate of Registration, or Dealership Permit.

Section 7.6. Validity Period of Dealership Permit. The Dealership Permit shall be valid for a period of two (2) years, renewable for the same period subject to re-evaluation of the permittee's qualification and compliance with the provisions of this Order.

Section 8. Possession and Use of Chainsaw Unit. Any person who possesses, owns and uses a chainsaw unit must have a *Certificate of Registration* from the PCSD. This Section does not apply to PCSD authorized Manufacturers and Dealers of chainsaw units EXCEPT when such manufacturers or dealers own/possess a chainsaw unit for purposes other than the business of manufacturing and dealership.

Section 8.1. General Qualifications. Only persons possessing the following qualifications expressly provided for under R.A. 9175 (Chainsaw Act) may be issued a Certificate of Registration:

- a. Any Private Person, natural or juridical, who:
 - i. has a subsisting production sharing agreement, co-production sharing agreement, special private land timber permit, private land timber permit, CBFMA, IFMA, SIFMA, PCA issued permits, and/or other similar tenurial instruments;
 - ii. is an orchard and fruit tree farmer;
 - iii. is an industrial tree farmer;
 - iv. is a licensed wood processor and the chainsaw shall be used for the cutting of timber that has been legally sold to said applicant; or
 - v. shall use the chainsaw unit for a legal purpose.
- b. Agencies of the government that use chainsaw unit/s in the performance of official functions.

Section 8.2. General Prerequisites. Except for Dealers with valid PCSD Dealership Permit, any person who intends to buy a chainsaw unit must secure a *Permit to Purchase* from the PCSD. Provided, that only persons who possess the qualifications enshrined under Section 8.1 of this Order and upon compliance with the requirements under Section 8.3 may be issued a Permit to Purchase. Even if the chainsaw unit is intended to be bought in Manila or in other provinces, for as long as there is intent to use the unit in the province of Palawan and to apply for a PCSD Certificate of Registration, a prior Permit to Purchase must still be secured from the PCSD.

Any person to whom a chainsaw unit is intended to be donated must first apply for a *Permit to Transfer by Donation* prior to acceptance of the unit to be donated. Provided, that only persons who possess the qualifications enshrined under Section 8.1 of this Order and upon compliance with the requirements under Section 8.4 may be issued such Permit to Transfer through Donation. Within six (6) months after the effectivity of this Order, any person who does

not possess such qualifications but to whom a chainsaw unit has been donated prior to the effectivity of this Order may dispose of it to qualified persons subject to the requirements of Permit to Sell or Permit to Transfer by Donation. After the lapse of said period and the unit has not been transferred to qualified person, the possessor/user thereof shall be liable for possession/using without Certificate of Registration. Any transfer by donation after the effectivity of this Order without Permit to Transfer by Donation shall be penalized in accordance with the pertinent provision of this Order on Prohibited Acts.

Any person to whom a chainsaw unit has been transferred by succession (testamentary or intestate) shall no longer apply for any prior Permit to Transfer. However, he/she must possess the qualifications under Section 8.1 of this Order during or subsequent to such transfer. Pursuant to such acquisition by succession, he/she must apply for a *Transfer of Certificate of Registration* of the decedent in his/her name within the remaining validity period of the decedent's Certificate of Registration but in no case to be less than forty-five (45) days. As soon as possible, however, the supposed successor should notify (thru submission of death certificate) the PCSDS on the fact of the original registrant's death and may continue the use of the chainsaw unit within the remaining validity period of decedent's Certificate of Registration subject to the same limitation and terms therein. After the lapse of said period without any application for Transfer of Certificate of Registration filed before the PCSD, the successor in possession shall be deemed "possessing without Certificate of Registration".

Section 8.3. Specific Requirements for Permit to Purchase. Any person who intends to possess/own a chainsaw unit by purchase from a registered owner or authorized dealer must submit the following:

- a. For holders of a subsisting Production Sharing Agreement, Co- Production Sharing Agreement, or a Private Land Timber Permit/Special Private Land Timber Permit, CBFMA, IFMA, SIFMA, PCA issued permits or other similar tenurial instruments:
 - i. Duly accomplished Application Form;
 - i. Copy of the tenurial instrument/permit in the name of applicant;
 - ii. Permit Fee.
- b. For orchard or fruit tree farmer;
 - i. Duly accomplished Application Form;
 - ii. Copy of Certificate of tree plantation from DENR-CENRO or similar tenurial instrument or Tax Declaration;
 - iii. Certification from Barangay Captain concerned that applicant is an orchard or fruit tree farmer;
 - iv. Presentation of original/original duplicate of Certificate of Title, Transfer Certificate of Title, other documents that can prove ownership or legitimate possession of a piece of agricultural land AND submission of a photocopy;
 - v. Permit Fee.
- c. For industrial tree farmer:
 - i. Duly accomplished Application Form;
 - ii. Copy of Certificate of tree plantation from DENR-CENRO or similar tenurial instrument or Tax Declaration;

- iii. Certification from Barangay Captain concerned that applicant is an industrial tree farmer;
 - iv. Presentation of original/original duplicate of Certificate of Title, Transfer Certificate of Title, other documents that can prove ownership or legitimate possession of a piece of agricultural land AND submission of a photocopy;
 - v. Permit Fee.
- d. For Licensed Wood Processors:
- i. Duly accomplished Application Form;
 - ii. Copy of Permit to Operate as wood processor from DENR;
 - iii. Copy of Wood Processing Establishment Permit, or similar business permits from the Local Government Units;
 - iv. Notarized Certification of legal source of raw materials AND Proof of compliance with E.O. 23 (proof of sustainable sources of legally cut logs for a period of at least 5 years);
 - v. Permit Fee.
- e. For agencies of the government, such as, but not limited to Local Government Units, Protected Area Offices, Government Owned and Controlled Corporations (GOCCs):
- i. Duly accomplished Application Form;
 - ii. Certification from Head of Office or his/her authorized representative that the use of chainsaws units are necessary in the performance of the Office's functions;
- f. Other Persons/entities who can show satisfactory proof that the possession and/or use of chainsaws is for a legal purpose:
- i. Duly accomplished Application Form;
 - ii. Affidavit that the chainsaw will be used for a legal purpose;
 - iii. Other legal documents showing the legality of purpose and permanent character of the use of chainsaw unit/s applied for; and,
 - iv. Permit fee.

Section 8.4. Specific Requirements for Permit to Transfer by Donation. Any person to whom a chainsaw unit is to be donated must also possess the qualifications under Section 8.1 and must, therefore, submit the same requirements under Section 8.3 of this Order. In addition thereto, however, the following must be submitted:

- a. Certificate of Registration of the Donor; or,
- b. If the donor acquired the unit by succession and he intends to donate the same either because he does not possess the qualifications required or for any other reason, what must be submitted by the donee (as the applicant) are the Certificate of Registration of the Decedent and proof of the donor's succession over the unit to be donated;

Section 8.5. Specific Requirements for Permit to Transfer the Certificate of Registration by Succession. Any person to whom a chainsaw unit has been (automatically) transferred for being an heir to a decedent who is a registered chainsaw owner must also possess the qualifications under Section 8.1 and must, therefore, submit the same requirements under Section 8.3 of this Order. In addition thereto, however, the following must be submitted:

- a. Proof of Death of the Registered Owner to whom the applicant succeeds, such as Death Certificate or its equivalent;
- b. Certificate of Registration of the Decedent;
- c. Stencil of Engine Serial number; and,
- d. Proof of succession by the applicant with respect to the chainsaw unit, such as extrajudicial settlement or its equivalent;

Section 8.6. General limitations on Permit to Purchase, Permit to Transfer by Donation. Grantee of Permit to Purchase may buy a chainsaw unit only from authorized dealers, authorized manufacturers or from a registered owner.

From the time of issuance, the Permit to Purchase shall be valid only for a period of three (3) months and the Permit to Transfer by Donation for a period of six (6) months.

Section 8.7. Issuance of Certificate of Registration: Procedures and Requirements. The following shall govern the procedures and requirements for issuance of Certificates of Registration pursuant to a purchase, transfer by donation and transfer by succession:

- a. For Purchase:
 - i. Simultaneous with payment of fees, submission to concerned PCSDS Office/Division of the Application together with the requirements under Section 8.3 of this Order;
 - ii. Evaluation by the concerned PCSDS Office/Division;
 - iii. The result of evaluation together with the application and submitted requirements shall be forwarded to the PCSDS Executive Director;
 - iv. Approval by Executive Director of the application for Permit to Purchase;
 - v. Issuance of the Permit to Purchase by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein;
 - vi. Release of the Permit to Purchase;
 - vii. Issuance of Permit to Purchase by the PCSDS Executive Director;
 - viii. Purchase of chainsaw unit and execution of Deed of Sale (The deed of sale must properly refer to the Permit to Sell on the part of the seller and Permit to Purchase on the part of the buyer-applicant) EXCEPT when purchase is made from an authorized Dealer or Manufacturer;
 - ix. Submission to concerned PCSDS Office/Division of the following together with payment of fees for registration and the presentation of the chainsaw unit:

1. Copy of the Deed of Sale;
2. Certificate of Registration of the Seller (if bought from a private registered owner); OR if the seller acquired the unit by succession and he intends to sell the same either because he does not possess the qualifications required or for any other reason, what must be submitted are the Certificate of Registration of the Decedent and proof of the seller's succession over the unit to be purchased.

If the chainsaw unit is bought from an authorized Dealer/Manufacturer, what must be submitted is the Official Receipt in lieu of requirements no. 1 and 2;

3. Stencil of Engine Serial number;
- x. Final Evaluation by the concerned PCSD Office/Division (limited to item ix); and,
 - xi. Issuance of Certificate of Registration by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
 - xii. Release of Certificate of Registration.
- b. For Transfer by Donation:
- i. Simultaneous with payment of fee, submission to concerned PCSDS Office/Division of the Application together with the requirements under Section 8.3 and 8.4 of this Order;
 - ii. Evaluation by the concerned PCSDS Office/Division;
 - iii. The result of evaluation together with the application and submitted requirements shall be forwarded to the PCSDS Executive Director;
 - iv. Approval by Executive Director of the application for Permit to Transfer by Donation;
 - v. Issuance of the Permit to Transfer by Donation by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein;
 - vi. Release of the Permit to Transfer by Donation;
 - vii. Execution by applicant of Deed of Donation (The deed of donation must properly refer to the Certificate of Registration of the Donor OR, if the donor acquired the unit by succession and he intends to donate the same either because he does not possess the qualifications required or for any other reason, the Certificate of Registration of the Decedent and the fact of donor's succession over the chainsaw unit AND the Permit to Transfer by Donation on the part of the donee-applicant);
 - viii. Submission to concerned PCSDS Office/Division of a copy of Deed of Donation and Stencil of Engine Serial number together with the payment of registration fee and presentation of the chainsaw unit;
 - ix. Final Evaluation by the PCSD Office/Division (limited to item viii);

- x. Issuance of Certificate of Registration by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
 - xi. Release of the Certificate of Registration.
- c. For Transfer by Succession:
- i. Submission to concerned PCSDS Office/Division of the Application together with the requirements under Section 8.3 and 8.5 of this Order together with the presentation of the chainsaw unit;
 - ii. Evaluation by the concerned PCSDS Office/Division; and,
 - iii. Issuance of Certificate of Registration by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein.

Section 8.8. General Limitations on Ownership, Possession and Use of Registered Chainsaw Units. All chainsaw units covered by Certificates of Registration shall be subject to the following limitations:

- a. The use of all registered chainsaw units in cutting and/or slicing trees and/or timber in forest land or elsewhere must always be accompanied by the PCSD Certificate of Registration and PCSD Special Use Permit (in appropriate cases) AND the corresponding permit to cut or any permit authorizing the cutting thereof from the DENR, PCA or other appropriate government agency. Absence of any of said permits during the actual use of the chainsaw unit is sufficient cause for temporary confiscation of the same until such time that the absent permit is shown. Such fact must be written in the seizure receipt;
- b. Pursuant to E.O. 23 and the parameters and procedures for its implementation, all chainsaw units are prohibited to be used or possessed inside natural and residual forests except for clearing of road right of way by the DPWH, site preparation for tree plantations, silvicultural treatments and other similar activities;
- c. The "legal purpose", as a requirement under Section 8.1.a (v), must have the character of permanence. If the purpose of the use of a chainsaw unit is only temporary or for a short period only, the same is governed by Section 9 of this Order on Special Use;
- d. The chainsaw unit may only be used for the purpose stated in the Certificate of Registration and only within the land specified therein;
- e. Registered chainsaw units shall not be rented out to other persons except as provided under Section 9 on Special Use;
- f. The number of chainsaw units that may be registered to an applicant must be limited depending on the circumstances of the applicant. In case of wood processors, however, only two (2) units may be registered;
- g. In cases of transfer of business involving the use of registered chainsaw units and/or transfer of residence resulting to transfer of the use of a chainsaw unit, the registered owner must notify the PCSDS and must be re-evaluated as to qualification. Transfer of residence resulting to loss of qualification shall be subject to Section 8.9 of this Order;

Section 8.9. Loss of Qualifications. Subsequent loss of the qualification/s to possess, which was/were considered in the registration of the chainsaw unit/s shall be a ground for cancellation of the Certificate of Registration. The owner thereof shall be given a reasonable period of six (6) months to dispose it by sale or donation to qualified persons OR to qualify to maintain ownership/possession of a chainsaw unit and in accordance with the applicable provisions of this Order. After the lapse of said period, the continuous possession of the chainsaw unit shall be considered to be in violation of this Order unless the unit is in the meantime deposited with the PCSDS pending the authorized sale thereof or pending acquisition of qualification to possess.

Section 8.10. Coding System of Registered Chainsaw Units. Every registered chainsaw unit shall be assigned a Code as follows: Municipal code + year the unit is registered + assigned number for the unit (ex. CO-2011-001). The following shall be the municipal codes for each municipality:

- | | |
|---------------------|---------------------------|
| 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. Dumarán = DU | s. Quezon = QZ |
| h. Taytay = TY | t. Sofronio Espanola = ES |
| i. Elnido = EN | u. Brooke's Point – BP |
| j. Araceli = AR | v. Rizal = RZ |
| k. Cuyo = CY | w. Balabac – BL |
| l. Magsaysay = MG | x. Bataraza = BZ |

Section 8.11. Metal Seal. Prior to release of the Certificate of Registration, a metal seal, duly numbered, shall be attached by the PCSDS to every registered chainsaw unit. The control number appearing in said metal seal shall also appear in the Certificate of Registration. Thus, the metal seal number attached in the chainsaw unit and the engine serial number must coincide with those appearing in the face of the Certificate of registration.

The metal seal should be attached to the chainsaw unit at all times and shall not be changed, modified, adjusted, altered, defaced, relocated, transformed, detached or removed in any manner. In any case of change, alteration, defacement or detachment/removal of metal seal by accident and without intervention of the registered owner, the following procedure shall govern:

- a. An affidavit (attesting to the fact of any change, alteration, defacement or detachment/removal of the metal seal from the chainsaw unit, the reasons thereof and the fact that the same was without his (registered owner's) intervention) must be submitted to the nearest PCSDS office within fifteen (15) days from such accidental change, alteration, defacement or detachment/removal;
- b. The submission of said affidavit must be accompanied with the temporary surrender of the chainsaw unit and Certificate of Registration to the custody of PCSDS for future replacement of the metal seal;
- c. The affidavit and the Certificate of Registration shall, in turn, be forwarded to the PCSDS Executive Director for evaluation of the sufficiency of the reasons stated in the affidavit;

- d. The Executive Director shall then Order the replacement of the metal seal; and,
- e. The Certificate of Registration need not be re-issued. The old metal seal number stated in the Certificate of Registration shall only be marked as "CANCELLED" and the new one be placed with corresponding mark as "NEW METAL SEAL NUMBER" and the date it was issued.

Any change, modification, adjustment, alteration, defacement, relocation or transformation of the metal seal intentionally caused by the registered owner constitutes a violation of this Order and shall be sufficient ground for the confiscation of the chainsaw unit for filing of administrative case before the PCSD.

Section 8.12. Validity Period of Certificate of Registration. The Certificate of Registration 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. Provided further, that in cases where the qualification of registered owners is based upon any permit/instrument issued by other agencies (ex. CBFM, PLTP, etc.), the revocation/expiration of such permit/instrument shall automatically cause the revocation of the Certificate of Registration and shall be governed by the provision of Section 8.9 of this Order (on loss of qualification).

Section 9. Special Use of Chainsaw Unit. Any person who does not possess/own a chainsaw unit but who possesses any of the qualifications enshrined under Section 8.1 of this Order OR any person who is not qualified under this Order to purchase and own a chainsaw unit but has a valid purpose for the use thereof as determined by the PCSDS may apply for the special use of another person's registered chainsaw unit and may be issued a *Special Use Permit*. The registered owner himself may also be the applicant for a Special Use Permit in cases where he has other valid/legal purpose for the use of a chainsaw unit but which purpose is not stated in his Certificate of Registration.

On the part of the registered owner, any of such other uses without Special Use Permit shall be considered a violation of the terms and conditions of the Certificate of Registration and the transport outside the municipality of registration shall be considered as transportation without Transport Permit. On the part of the person who rents, he shall be liable for using another person's chainsaw unit without Special Use Permit.

Section 9.1. Requirements. The issuance of the Special Use Permit shall be subject to the applicant's compliance with the following:

- a. Duly accomplished Application Form;
- b. Copy of the Certificate of Registration of the chainsaw unit applied for;
- c. If the trees to be cut are for commercial purpose, copy of the DRAFT contract, memorandum of agreement, special power of attorney or any similar instruments showing the agreement between the applicant and the registered owner of the subject chainsaw unit applied for special use (final execution of any of this instrument should be made after approval of the application for Special Use Permit). If the purpose in not commercial, this requirement may be dispensed with;
- d. Proof that the use applied for is valid and legal; and,
- e. Permit fee.

Section 9.2. Procedure. The following procedure shall be followed in the issuance of Special Use Permit:

- a. Simultaneous with payment of fee, submission to concerned PCSDS Office/Division of the Application together with the requirements under Section 9.1 of this Order;
- b. Evaluation by the concerned PCSDS Office;
- c. The result of evaluation together with the application and submitted requirements shall be forwarded to the PCSDS Executive Director;
- d. Approval by Executive Director of the application;
- e. Execution of the contract, memorandum of agreement, special power of attorney or any similar instruments showing the agreement between the applicant and the registered owner of the subject chainsaw unit applied for special use AND submission of the same to PCSDS;
- f. Final Evaluation by the PCSD Office/Division (limited to item e);
- g. Issuance of the Special Use Permit by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
- h. Release of the Permit.

Section 9.3. Transport of the Unit. If the chainsaw unit subject of the Special Use Permit is registered in a municipality other than the municipality where the area of the intended special use is located, the transport of the same from the municipality of registration to the municipality of the approved use shall not require the issuance of a Transport Permit, which authority shall be expressly provided in the Special Use Permit. Approval of such transport is deemed incorporated in the Special Use Permit. However, if the subject chainsaw unit is found to be in the municipality of the approved use more than one (1) week after the expiration of the Special Use Permit, such circumstance shall be deemed a violation of this Order for transportation without Transport Permit.

Section 9.4. Validity Period. The validity period of the Special Use Permit shall depend upon the nature of the approved use and shall vary according to the circumstances as determined by the PCSDS. In no case, however, shall such validity period exceed one (1) year nor shall it exceed the validity period of the subject chainsaw unit's Certificate of Registration.

Section 9.5. Report of Use. Within fifteen (15) days from expiration of the Special Use Permit, a report must be submitted by the grantee thereof containing the details of the chainsaw unit's use including the number and kind of trees cut/sliced. Failure to submit such report shall be a ground for the denial of future application of any permit issued under this Order.

Section 10. Importation of Chainsaw Unit. Considering that no ports in Palawan are yet included in approved ports of entry in the Philippines, any person who intends to import a chainsaw unit into the Philippines, although to be immediately transported to Palawan, shall comply with the applicable chainsaw import clearance from the concerned office of the DENR. The subsequent transport of said chainsaw unit to Palawan must, in turn, be covered by a prior DENR Transport Permit EXCEPT if transported by authorized dealers in the course of their business.

This notwithstanding, any person who imports a chainsaw unit directly to Palawan through unapproved ports of entry or any point in the province shall still be liable under this Order for importation without import clearance/permit from the PCSD.

Section 11. Sale and Re-sale of Chainsaw Unit. Except for Manufacturers and Dealers with valid Permit to Manufacture and Dealership Permit, any person who intends to sell or re-sell a chainsaw unit (to a person who has a valid Permit to Purchase) shall secure a *Permit to Sell* from the PCSD. Provided, that only persons with valid PCSD Certificate of Registration may apply for a Permit to Sell. Provided further, that chainsaw units sought to be sold by a PCSD authorized Manufacturer and Dealer that are legally possessed/used for purposes other than the business of manufacturing and dealership shall still comply with the requirements under this Section.

Section 11.1. Requirements. Applicants for Permit to Sell shall submit the following requirements:

- a. Duly accomplished Application Form, which shall include description of chainsaw unit to be sold;
- b. Certificate of Registration;
- c. Permit Fee.

Section 11.2. Procedure. The following procedure shall govern the application and issuance of Permit to Sell:

- a. Together with payment of fee, submission to concerned PCSDS Office/Division of the Application together with the requirements under Section 11.1 of this Order;
- b. Approval by Executive Director of the application;
- c. Issuance of the Permit to Sell by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
- d. Release of the Permit.

Section 11.3. Validity Period of Permit to Sell. The Permit to Sell shall be valid only for the unexpired validity period of the Certificate of Registration. If after the expiration of the Certificate of Registration the chainsaw unit has not yet been sold, a new Permit to Sell must be secured from the PCSD accompanied with the deposit of the chainsaw unit to PCSD office unless the Certificate of Registration is also renewed.

Section 12. Transport of Chainsaw Unit. In case a registered chainsaw unit is intended to be brought out of the municipality where it is registered, a *Transport Permit* must first be secured from the PCSD EXCEPT in the following cases:

- a. Authorized Manufacturers for purposes of delivery to authorized purchasers within Palawan;
- b. Authorized Dealers in case of transport from Suppliers to the Dealers' place of business or from Dealer's place of business to other areas in Palawan for purposes of delivery to authorized purchasers;
- c. Transport to PCSDS Office for purposes of attaching PCSD Metal Seal or for purposes of registration;
- d. Transport of spare parts;

- e. Transport of chainsaw unit from other province to Palawan for safekeeping/repair purposes only; Provided, that such chainsaw unit is registered in the DENR of the province of origin and the corresponding transport permit has been issued by the latter; Provided further, that in case said unit is intended to be used in Palawan, a registration must first be secured from the PCSD;

Section 12.1. Requirements. Applicants of Permit to Transport must submit the following requirements:

- a. Duly accomplished Application Form setting forth the purpose for the transport;
- b. Certificate of Registration; and
- c. Permit fee.

Section 12.2. Procedure.

- a. Simultaneous with payment of fees, submission to concerned PCSDS Office/Division of the Application together with the requirements under Section 12.1 of this Order;
- b. Evaluation by the concerned PCSDS Office/Division;
- c. The result of evaluation together with the application and submitted requirements shall be forwarded to the PCSDS Executive Director;
- d. Approval by Executive Director of the application;
- e. Issuance of the Transport Permit by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
- f. Release of the Permit.

Section 12.3. Validity Period of Permit to Transport. The validity of Permit to Transport shall depend upon the evaluation of the PCSDS. In cases where the unit will only be temporarily transported out of the municipality of registration, the permit to transport shall cover both the "transport from the municipality of registration to other municipality" AND the "transport back to the municipality of registration".

Section 13. Service/Repair Shops. Any person who intends to engage in the business of repairing chainsaw units must first secure a *Permit to Operate Service/Repair Shop* from the PCSD. Provided, that only chainsaw units covered by a Certificate of Registration or possessed by authorized Manufacturers and Dealers may be serviced/repared.

Section 13.1. Requirements. Applicants for Permit to Operate Service/Repair Shop must submit the following:

- a. Duly accomplished Application Form;
- b. Business operation permit from DTI and local government (Mayor's Permit, etc.);
- c. Permit Fee.

Section 13.2. Procedure.

- a. Simultaneous with payment of fee, submission to concerned PCSDS Office/Division of the Application together with the requirements under Section 13.1 of this Order;

- b. Evaluation by the concerned PCSDS Office/Division;
- c. The result of evaluation together with the application and submitted requirements shall be forwarded to the PCSDS Executive Director;
- d. Approval by Executive Director of the application;
- e. Issuance of the Permit to Operate Service/Repair Shop by the PCSDS Executive Director upon conformity of the applicant with the limitations and 'terms and conditions' set forth therein; and,
- f. Release of the Permit.

Section 13.3. Quarterly Reportorial requirements. All authorized chainsaw service/repair shops shall maintain a log book containing the chainsaw units repaired, their corresponding engine serial number and/or metal seal numbers, Certificate of Registration Control Numbers and name of registered owners. A photocopy of the log book covering a quarter must be submitted to the PCSD at the end of each quarter.

Section 13.4. Validity Period of Permit to Operate Service/Repair Shop. The Permit to Operate Service/Repair Shop shall be valid for a period of one (1) year, renewable for the same period subject to re-evaluation of qualification and compliance of the permittee with the provisions of this Order.

CHAPTER IV COMMON PROVISIONS

Section 14 . Commission of violations pending processing of applications. Processing of application for any Permit issued under this Order shall be suspended in the following cases:

- a. If a chainsaw unit subject of such application is seized or confiscated for alleged violation of this Order; and,
- b. If a complaint is filed against the applicant himself for violation of this Order.

Section 15. Renewal. All applications for renewal of any permit issued under this Order must be filed at least thirty (30) calendar days before the expiration of the permit/registration sought to be renewed and must be submitted together with the following requirements:

- a. Duly accomplished Application Form;
- b. Original copy of the Certificate of Registration/Permit sought to be renewed;
- c. Document showing that applicants have not been found to have committed violations of this Order more than twice;
- d. Renewal Fee.

Failure to submit reports as required in every permit issued under this Order shall be a ground for the denial of the application until and after such reports have been submitted.

Section 16. Lost, stolen, unserviceable chainsaw units. A lost or stolen chainsaw unit must be reported by the registered owner, authorized dealer or authorized manufacturer to the PCSD within fifteen (15) days from date of loss. A police blotter and an affidavit to that effect must be submitted. The engine serial number, metal seal number and Certificate of Registration

control number, if any, must be stated in the affidavit. The PCSD shall, in turn, cancel the corresponding Certificate of Registration.

In case of unserviceable chainsaw units, the registered owner shall immediately report the same to the PCSD. He may opt to file a new application for Permit to Purchase and subsequent issuance of new Certificate of Registration. If the owner opts to just replace the unit with a new one and would still want to consume the unexpired period of the Certificate of Registration, he shall notify the PCSD in writing of such intent. A Permit to Purchase shall thereafter be issued subject to the requirements and procedure under Sections 8 of this Order except that the qualification of the registered owner need not be re-evaluated. 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.

Section 17. Emergency Use of Chainsaw Unit. Any chainsaw unit in the possession of a registered owner, authorized dealer or manufacturer may be used in cases of imminent danger to life and property even without Special Use Permit from the PCSD.

Section 18. Visitorial Power of the PCSDS. Any PCSD staff may conduct verification/monitoring/ocular inspection of registered chainsaw units, of authorized manufacturers'/dealers' place of business and the chainsaw units subject of manufacture/dealership and of service/repair shops and the chainsaw units being serviced/repaired WITHOUT prior notice.

CHAPTER V FEES

Section 19. Schedule of Fees. The following rates of fees shall be collected:

a. Permit to Manufacture Fee	-	Php1,000.00
b. Dealership Permit Fee	-	Php1,000.00
c. Permit to Purchase Fee	-	Php500.00
d. Permit to Transfer by Donation Fee	-	Php500.00
e. Permit to Transfer Certificate of Registration Fee	-	Php500.00
f. Certificate of Registration Fee	-	Php100.00
g. Special Use Permit Fee	-	Php300.00
h. Transport Permit Fee	-	Php100.00
i. Permit to Sell Fee	-	Php100.00
j. Permit to Operate Service/Repair Shop	-	Php500.00

CHAPTER VI PROHIBITED ACTS, PENALTIES AND DISPOSITION

Section 20. Prohibited Acts and Fines. It shall be unlawful for any person to commit any of the following acts and, if found to have so committed, shall be fined accordingly:

- a. Any person found to be manufacturing or to have manufactured a chainsaw unit without Permit to Manufacture shall be fined in the amount of not less than one thousand pesos (Php1,000.00) nor more than four thousand pesos (Php 4,000.00). Any person found to be in possession of manufactured chainsaw unit is presumed to be the one who manufactured the same. In addition, the chainsaw unit shall be forfeited in favor of the government;
- b. Any person found to be engaging or to have engaged in dealership (buy and sell) of chainsaw units and/or spare parts without Dealership Permit or engaging in dealership of spare parts without authority under the Dealership permit shall be fined in the amount of not less than Fifteen thousand pesos (PhP 15,000.00) but not more than Thirty thousand

- pesos (PhP 30,000.00). In addition, the chainsaw unit shall be forfeited in favor of the government;
- c. Any person found to be importing or to have imported chainsaw unit without import clearance/permit from the PCSD/DENR shall be fined in the amount of not less than One thousand pesos (PhP 1,000.00) nor more than four thousand pesos (PhP 4,000.00). Except when the unit is registered with the DENR or PCSD, the chainsaw unit shall also be forfeited in favor of the government;
 - d. Any person found to be selling or to have sold a chainsaw unit without Permit to Sell, Permit to Manufacture or Dealership Permit shall be fined in the amount of not less than Fifteen thousand pesos (PhP 15,000.00) but not more than Thirty thousand pesos (PhP 30,000.00). The determination of the monetary liability within the range hereunder shall depend upon the person liable as to whether he/she is a manufacturer, dealer, registered or unregistered owner. Except in the case of a registered chainsaw unit sold without Permit to Sell, the chainsaw unit shall also be forfeited in favor of the government;
 - e. Any person found to be selling or to have sold chainsaw unit to persons without Permit to Purchase or Dealership Permit shall be fined in the amount of Ten thousand pesos (Php10,000.00) to Twenty thousand pesos (Php20,000.00). The determination of the monetary liability within the range hereunder shall depend upon the person liable as to whether he/she is a manufacturer, dealer, registered or unregistered owner;
 - f. Any person found to be selling or to have sold spare parts to persons without Certificate of Registration or Dealership Permit shall be fined in the amount of Five thousand pesos (Php5,000.00) to Ten thousand pesos (Php10,000.00);
 - g. Any person found to be purchasing or to have purchased a chainsaw unit without Permit to Purchase or Dealership Permit shall be fined in the amount of not less than Fifteen thousand pesos (PhP 15,000.00) but not more than Thirty thousand pesos (PhP 30,000.00). In addition, the chainsaw unit shall be forfeited in favor of the government;
 - h. Any person found to be purchasing or to have purchased a chainsaw unit with Permit to Purchase or Dealership Permit from persons without Permit to Sell, Permit to Manufacture or Dealership Permit shall be fined in the amount of Ten thousand pesos (Php10,000.00) to Twenty thousand pesos (Php20,000.00);
 - i. Any person found to be purchasing or to have purchased chainsaw parts/spare parts without Certificate of Registration or Dealership Permit shall be fined in the amount of Five thousand pesos (Php5,000.00) to Ten thousand pesos (Php10,000.00). In addition, the chainsaw parts/spare parts shall be forfeited in favor of the government;
 - j. Any person found to be purchasing or to have purchased chainsaw parts/spare parts with Certificate of Registration or Dealership Permit from unauthorized dealers/persons shall be fined in the amount of Five thousand pesos (Php5,000.00) to Ten thousand pesos (Php10,000.00);
 - k. Any person found to have failed in submitting any of the reportorial requirements required under this Order shall be fined in the amount of Five thousand pesos (Php5,000.00) to Ten thousand pesos (Php10,000.00). In addition, any pending application related to the chainsaw unit involved or to the business engaged in (dealership, etc.) shall not be processed until and after the reports have been submitted;
 - l. Any person found to be possessing/owning a chainsaw unit without Certificate of Registration or with an expired Certificate of Registration shall be fined in the amount of not less than Fifteen thousand pesos (PhP 15,000.00) but not more than Thirty thousand

- pesos (PhP 30,000.00). In addition, the chainsaw unit shall be forfeited in favor of the government;
- m. Any person found to be using or to have used a chainsaw unit to cut trees or timber in forestland or elsewhere without Certificate of Registration or with an expired Certificate of Registration or using another person's chainsaw unit without Special Use Permit shall be fined in the amount of not less than Thirty thousand pesos (PhP 30,000.00) but not more than Fifty thousand pesos (PhP 50,000.00). In addition, the chainsaw unit shall be forfeited in favor of the government;
 - n. Any person found to be using or to have used any *registered* chainsaw unit to cut trees or timber in forestland or elsewhere *without the proper documents/permits* from the DENR, PCA or other concerned government agencies for the cutting shall be fined in the amount of not less than Thirty thousand pesos (PhP 30,000.00) but not more than Fifty thousand pesos (PhP 50,000.00). In addition, the chainsaw unit shall also be forfeited in favour of the government;
 - o. Any person found to be using or possessing or to have used or possessed any registered chainsaw unit, inside natural and residual forests except for clearing of road right of way by the DPWH, site preparation for tree plantations, silvicultural treatments and other similar activities shall be fined in the amount of not less than Five thousand pesos (Php5,000.00) to not more than Ten thousand pesos (Php10,000.00);
 - p. Except in emergency cases to prevent danger to life or property, any person found to be using or to have used a registered chainsaw unit for any purpose not stated in the Certificate of Registration shall be fined in the amount of not less than Two thousand pesos (Php2,000.00) to not more than Five thousand pesos (Php5,000.00);
 - q. Any person found to be donating or to have donated OR to be accepting or to have accepted a chainsaw unit without Permit to Transfer by Donation shall be fined in the amount of not less than Fifteen thousand pesos (PhP 15,000.00) but not more than Thirty thousand pesos (PhP 30,000.00);
 - r. Any person found to be assembling or to have assembled a chainsaw unit shall be fined in the amount of not less than Fifteen thousand pesos (PhP 15,000.00) but not more than Thirty thousand pesos (PhP 30,000.00). In addition, the chainsaw unit shall be forfeited in favor of the government;
 - s. Any person found to be continuously possessing chainsaw unit for more than six (6) months after the loss of qualification/s to possess, which was/were considered in the registration of his/her chainsaw unit/s shall be administratively liable. The Certificate of Registration shall be cancelled and the chainsaw unit shall be forfeited in favor of the government.
 - t. Any person found to be defacing or tampering or to have defaced or tampered the original registered engine serial number of any chainsaw unit shall be fined in the amount of not less than one thousand pesos (PhP 1,000.00) nor more than Four thousand pesos (PhP 4,000.00);
 - u. Any person found to be changing, modifying, adjusting, altering, defacing, relocating, transforming, removing or detaching the metal seal/metal seal number or found to have changed, modified, adjusted, altered, defaced, relocated, transformed, removed or detached the same shall be fined in the amount of not less than one thousand pesos (PhP 1,000.00) nor more than Four thousand pesos (PhP 4,000.00);

- v. Any person found to be transporting or to have transported a chainsaw unit without Transport Permit shall be fined in the amount of not less than one thousand pesos (PhP 1,000.00) nor more than Four thousand pesos (PhP 4,000.00);
- w. Any person found to be servicing/repairing chainsaw units or found to have serviced/repared the same without Permit to Operate Service/Repair Shop shall be fined in the amount of not less than Five thousand pesos (PhP5,000.00) to not more than Ten thousand pesos (PhP10,000.00);
- x. Any person found to be servicing/repairing or to have serviced/repared with Permit to Operate Service/Repair Shop but involving chainsaw units not covered by any Certificate of Registration, Permit to Manufacture or Dealership Permit shall be fined in the amount of not less than Three thousand pesos (PhP3,000.00) to not more than Six thousand pesos (PhP6,000.00);
- y. Any person found to be violating or to have violated any of the terms and conditions provided in the Certificate of Registration and other permits issued under this Order which are not specifically sanctioned under this Chapter shall be fined in the amount of Ten thousand pesos (PhP10,000.00) to Twenty thousand pesos (PhP20,000.00);
- z. Any person found to be obstructing or to have obstructed the conduct of verification/monitoring/ocular inspection by the PCSD Staff under Section 18 of this Order shall be fined in the amount of not less than one thousand pesos (PhP 1,000.00) nor more than Four thousand pesos (PhP 4,000.00); and,
- aa. Any person found to be misrepresenting or to have misrepresented any material fact in the application for any permit issued under this Order which is essential in the approval of the same shall be fined in the amount of not less than Five thousand pesos (PhP5,000.00) to not more than Ten thousand pesos (PhP10,000.00). In addition, commission of this offense more than twice shall be a ground for disapproval of any permit under this Order for an indefinite period of time.

Section 21. Liability for Fines. All fines imposable under this Order involving chainsaw units with Certificates of Registration or covered by any permit issued herein shall be imposed against registered owners or grantees of the permit without prejudice to any action by the registered owner against responsible persons in other venue/s.

Section 22. Outright Confiscation when proper. Chainsaw units found be in violation or subject of a violation under Section 20, subsections (a), (b), (c), (d), (g), (i), (l), (m), (n), (o), (r), (s), (t) and (u), SHALL BE confiscated outright even pending the filing of administrative complaint before the PCSD Adjudication Board (PAB). In other cases, the chainsaw unit MAY NOT be confiscated outright but shall only be documented properly together with the documents/acts evidencing the supposed violation to be attached to the complaint that will be filed before the PAB.

Section 23. Additional Penalties. Without prejudice to the imposition of fine for every violation under this Order as specified under Section 20 hereof, violators shall be subject to the following additional penalties as may be deemed appropriate:

- a. Community Service such as, but not limited to, tree planting;
- b. Suspension of Permit/Registration for the first offense;
- c. Cancellation/Revocation of Permit/Registration for the second offense;
- d. Closure of any establishment/warehouse/shop for operating without the necessary permit under this Order; and,

- e. Chainsaw units AND conveyances and other objects/items/tools or equipments used or possessed in violation of this Order shall be confiscated and forfeited in favor of the government;

Additional penalties from paragraphs (a) to (d) above shall not apply to violations under Section 20 of this Order where the penalty of FORFEITURE is expressly imposed. In other cases, the third repetition of the same offense or the third commission of any violation of this Order shall be a ground for the imposition of paragraph (e) above.

The imposition of penalties under this Order shall be without prejudice to the filing of criminal action in appropriate cases.

If the violations under this Chapter are committed by or through the command or order of another person, partnership or corporation, such other person, or the responsible officer/s in such partnership or corporation shall be disqualified to avail of the permits issued under this Order.

If the offender is a public official or employee, a copy of the decision against such public official or employee shall be forwarded to the office/officer with disciplinary authority over the former.

Section 24. Disposition of Forfeited Chainsaw Units. Chainsaw units which are forfeited under this Order in favor of the government may be disposed of in accordance with the following:

1. Sale; and,
2. Donation to National Government Agencies, Local Government Units and Government Owned and Controlled Corporations.

The PCSDS may also organize the forfeited chainsaw units to be used for emergency purposes and may be rented out under the provisions on Special Use Permit.

Section 24.1. Qualification requirements. Persons qualified to acquire forfeited chainsaw units by sale must be qualified to possess under Section 8.1 of this Order and must submit the requirements under Section 8.3. NGAs, LGUs and GOCCs must also possess the qualifications under Section 8.1.b of this Order in order to qualify as donee and must submit the requirements under Section 8.3.e.

Section 24.2. Procedures. The procedure for sale shall be in accordance with Section 8.7.a of this Order and the procedure for donation shall be in accordance with Section 8.7.b.

Section 24.3. Proceeds of the Sale. The proceeds of the sale shall go to the PCSD to be used exclusively for the implementation and enforcement of the provisions of this Order. Provided, that in cases involving unregistered chainsaw units and a criminal action is filed in court, twenty (20%) of the actual price (as sold) of each chainsaw unit shall go to the person/s who voluntarily gave information which led to the recovery or confiscation of such unregistered chainsaw and the conviction of persons charged thereof.

CHAPTER VII MISCELLANEOUS PROVISIONS

Section 25. Transitory Provision. Any person who is qualified to possess a chainsaw unit under this Order and who has bought a chainsaw unit without Permit to Purchase OR to whom a chainsaw unit has been donated without prior Permit to Transfer OR who has succeeded to a registered decedent MAY APPLY for the issuance of Certificate of Registration within six

(6) months after the effectivity of this Order. After which period, the provisions of this Order on permits required to be secured prior to application for Certificate of Registration shall be strictly implemented.

Section 26. Separability Clause. The provisions of this Order are hereby declared to be separable and, in the event one or more provisions are declared unconstitutional, the validity of the other provisions shall not be affected thereby.

Section 27. Repealing Clause. All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed and/or amended accordingly.

Section 28. Effectivity. This revised Order shall take effect fifteen (15) days after publication in a newspaper of general circulation and upon deposit to the Office of the National Administrative Registry (ONAR) at the UP Law Center, Diliman, Quezon City.

SO ORDERED.

Quezon City, this 27th day of January 2012.

APPROVED FOR THE COUNCIL:


ABRAHAM KAHLIL B. MITRA
Chairman ↗ ↑