



DEC 10 2020

DENR ADMINISTRATIVE ORDER
NO. 2020 - 16

SUBJECT: GUIDELINES ON THE DISPOSITION OF LANDS FORMED BY ACCRETION ADJACENT TO AGRICULTURAL LANDS (A&D) AND MANAGEMENT OF ISLETS IN RIVER CHANNELS, DRIED CREEKS AND DRIED RIVER BEDS

Pursuant to Executive Order No. 192 or the Reorganization Act of DENR of 1987, Republic Act No. 9729 otherwise known as the Climate Change Act of 2009, Republic Act No. 10121 known as the Philippine Disaster Risk Reduction and Management Act of 2010, the Public Land Act and Civil Code of the Philippines, there is an urgent need to revisit and improve policies and procedures pertaining to the survey, disposition, and management of public lands on unstable land forms and those considered impermanent in nature. The following guidelines on the disposition of lands formed by accretion adjacent to agricultural lands (A&D) and management of islets in river channels, dried creeks and dried river beds are hereby issued for the guidance and compliance of all concerned:

SECTION 1. Basic Policy. It is the policy of the State to ensure the efficient conservation, management, development, safety, security, equitable distribution and use of the country's environment and natural resources.

SECTION 2. Objective. This Order aims to provide guidelines on the disposition of lands formed by accretion adjacent to agricultural lands (A&D) and proper management of islets in river channels, dried creeks and dried river beds.

SECTION 3. Scope and Coverage. This Order shall apply to lands formed by accretion adjacent to agricultural lands (A&D) and management of islets in river channels, dried creeks and dried river beds.

SECTION 4. Definition of Terms. As used in this Order, the following terms shall be defined as:

- 4.1. **Accretion** – the gradual and imperceptible process of accumulation of soil or sediment on a land adjacent to the waterways (bank of a river) as a result of the action of the waters therein.
- 4.2. **Delta** – an area of low, flat land shaped like a triangle, where a river splits and spreads out into several branches before entering the sea.
- 4.3. **Island** – a naturally formed area of land, surrounded by water, provided that where the island is surrounded by the sea, the same should always be above the water at high tide.
- 4.4. **Islets** – small islands that were formed by actions of the sea, river, or other bodies of water which are unstable and impermanent in nature such as, but not limited to, sandbars and delta.

- 4.5. **Sandbar** – a shallow portion of the coast, largely made of loose sand that is near the surface of the water.

SECTION 5. Management and Disposition Scheme. The following guidelines on the management of islets, dried creeks and dried river beds and disposition of lands formed by accretion adjacent to agricultural land (A&D) are hereby prescribed:

- 5.1. For the management of islets such as sandbars and delta, and dried creeks and dried river beds.

- 5.1.1. All islets such as sandbars and delta **shall not be subjected to any mode of titling.**

Islands formed by accretion within navigable or floatable lakes or rivers belong to the State pursuant to Article 464 of the Civil Code of the Philippines. The same shall not be alienated, unless declared as open for disposition through a law enacted by the Congress or a Presidential Proclamation.

On the other hand, dried creeks and dried river beds shall not be alienated since these belong to the State as property of public dominion pursuant to *Article 502 of the Civil Code of the Philippines*, and outside the commerce of man. Hence, these lands are not susceptible to private appropriation and acquisitive prescription unless declared as open for disposition through a law enacted by the Congress or a Presidential Proclamation.

- 5.1.2. The Regional Office, through the Community Environment and Natural Resources Office (CENRO), the Mines and Geosciences Bureau (MGB) of the Region, the Conservation and Development Division (CDD) of the Region, and the Licenses, Patents and Deeds Division (LPDD) of the Region, shall jointly identify and assess the physical and biological conditions including ecology, geology, topography, hydrology, soil quality, and exposure to environmental and climate risks of these lands. In extreme cases, these areas may be designated as no-build zone areas.

- 5.1.3. The Regional Office, through the CENRO, MGB, CDD, and LPDD shall determine the potential and most suitable use of these lands, subject to existing laws, rules and regulations. The DENR shall then conduct a survey of the areas.

- 5.1.4. The DENR may recommend the issuance of a Presidential Proclamation or enter into a Memorandum of Agreement (MOA) with the Local Government Unit (LGU) for the proper management and development of the area.

- 5.2. For the disposition of lands formed by accretion adjacent to agricultural lands (A&D).

- 5.2.1. Lands formed by accretion within a block classified as agricultural land (A&D) shall be disposed of in accordance with the provisions of Commonwealth Act (CA) 141, as amended, or the Public Land Act, and Section 2, Chapter 2 of Book II, Title II of the Civil Code of the Philippines.

- 5.2.2. If the adjacent lot is already titled, the land owner shall proceed to the Court for the acquisition of the lands formed by accretion adjacent to agricultural lands (A&D). The same shall be surveyed using the survey symbol ACR, except those accretions formed in Friar Lands where the survey symbol shall remain as FLS.


- 5.2.3. If the adjacent lot is still untitled, the lands formed by accretion within a block classified as agricultural land (A&D), shall be surveyed and assigned with the highest lot number. The adjacent claimant may opt to consolidate the same with the adjacent lot for purposes of filing the appropriate Public Land Application (PLA).
- 5.2.4. Lands formed within non-navigable or non-floatable lakes or rivers shall be governed by the provisions of Article 465 of the Civil Code. The disposition of these lands shall be subject to additional comment/clearance/certification from the Regional Office of the MGB. The CENRO concerned shall secure this comment/clearance/certification from the MGB to determine the physical and geological condition of the area subject of the application and whether it is fit for habitation or human settlement.
- 5.2.5. Furthermore, the geohazard map from the MGB shall also be secured and overlaid on the particular cadastral map covering the area subject of the application.
- 5.2.6. The law on easements under Article 51 of Presidential Decree (PD) 1067 or the Water Code of the Philippines and DAO Nos. 99-21 and 92-13 shall also be strictly observed.

SECTION 6. Transitory Provision. All subsisting PLAs shall be reviewed for appropriate action consistent with this Order.

SECTION 7. Separability Clause. If any part or provision of this Order is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

SECTION 8. Repealing Clause. All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed, amended and/or modified accordingly.

SECTION 9. Effectivity. This Order shall take effect upon acknowledgment of receipt of a copy hereof by the Office of the National Administrative Register (ONAR) and fifteen (15) days after its publication in a newspaper of general circulation.


ROY A. CIMATU
Secretary



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