



Republic of the Philippines  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City  
Tel Nos. (632) 929-66-26 to 29 · (632) 929-62-52  
Website: <http://www.denr.gov.ph> / E-mail: [web@denrgov.ph](mailto:web@denrgov.ph)

APR 28 2021

**DENR ADMINISTRATIVE ORDER**  
**NO. 2021 - 07**

**SUBJECT : GUIDELINES ON THE ESTABLISHMENT OF LEGAL EASEMENTS ALONG THE SEAS, RIVERS, LAKES, ESTEROS, AND CREEKS**

Pursuant to the provisions of Articles 634 and 638 of the Civil Code of the Philippines, Article 51 of Presidential Decree (P.D.) 1067 or the Water Code of the Philippines, P.D. 705 or the Revised Forestry Code, as amended, Commonwealth Act (C.A.) 141 or the Public Land Act, as amended, Executive Order (E.O.) 192 or the Reorganization Act of the DENR, Republic Act (R.A.) 7586, as amended by R.A. 11038 otherwise known as the ENIPAS Act, DENR Administrative Order (DAO) No. 99-21, DAO No. 2007-29 or the Revised Regulations on Land Surveys, and DENR Memorandum Circular (DMC) No. 2010-13 or the Manual on Land Survey Procedures, the following guidelines is hereby issued for the guidance of all concerned:

**SECTION 1. Basic Policy.** It is the policy of the State to ensure that the country's environment and natural resources are conserved, managed, developed and properly used including the protection of the people. As such, the State shall establish safeguard measures on the establishment of salvage zones and legal easements along seas, rivers, lakes, esteros, creeks, and other wetland areas.

**SECTION 2. Objective.** This Order aims to provide guidelines on the establishment of legal easement for public use in the interest of recreation, navigation, floatage, fishing and salvage in accordance with the existing laws and regulations.

**SECTION 3. Scope and Coverage.** This Order shall apply to all lands adjoining seas, rivers, lakes, creeks, esteros and other wetland areas.

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

- 4.1 **Creek** - a stream of water longer than a brook or small stream that empties into the rivers.
- 4.2 **Estero** - any bed or channel through which stagnant, dirty or salt water flows under the influence of the tide.
- 4.3 **Lake** - an expanded part of a river or an inland body of standing water.
- 4.4 **Legal Easement** – an easement by necessity constituted by law which has for its object either for public use or the interest of private persons.

- 4.5 **Mean high water level** – the average of all the high-water levels at a given location over a period of years.
- 4.6 **National Park** – lands of the public domain classified as such in the Constitution which includes all areas under the NIPAS pursuant to R.A. 11038, primarily designated for the conservation of plants and animals, their associated habitats and cultural diversity.
- 4.7 **Protected Area** – identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- 4.8 **Reclaimed areas** – land that was under the sea or was in a very poor condition, but has been improved so that it can be used for farming or building on.
- 4.9 **River** - any wide natural bed or channel through which water flows continuously or intermittently throughout the year.
- 4.10 **Rural areas** – areas not identified as urban as defined in this Order.
- 4.11 **Salvage Zone** – lands measuring twenty (20) meters measured landward from the interior limit of the shoreline for easement purposes.
- 4.12 **Urban areas** – all cities regardless of their population density and municipalities with a population density of at least five hundred (500) persons per square kilometer pursuant to R.A. 7279 or the Urban Development and Housing Act of 1992, regardless of the declaration of Local Government Units (LGUs) except in Metro cities.
- 4.13 **Wetland** – a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six (6) meters at low tide, as well as human-made wetlands such as dams, reservoirs, rice paddies and wastewater treatment ponds and lagoons.

**SECTION 5. Determination of the Required Legal Easement.** The following rules shall be applied in determining legal easements.

5.1 For Urban Areas

All cities and urban municipalities shall adopt a 3-meter easement zone over those areas classified as agricultural lands. Forest lands shall adopt a 40-meter easement zone, even if it is part of an urban area.

5.2 For Rural Areas

Rural municipalities shall adopt a 20-meter easement zone for agricultural lands, and 40-meter easement zone on forest lands.

In cases where rural municipalities are upgraded into urban, their easements shall be adjusted consistent with Section 5.1 of this Order upon approval of their new Comprehensive Land Use Plans (CLUPs). The existing easements as reflected in the old DENR Cadastral Map shall likewise be updated.

### 5.3 For National Parks/Protected Areas

All National Parks/Protected Areas, whether in urban or rural areas, shall adopt a 40-meter easement zone, taking into consideration the provisions of Section 18 (v) of R.A. 11038 or the ENIPAS Law, and Section 24.4 of DAO No. 2019-05.

### 5.4 In case of Reclaimed Areas

All reclamation projects, whether in urban or rural areas, shall adopt a 40-meter easement zone. The easement shall be measured from the banks or the edge of the reclaimed portion.

If warranted under the circumstances and in order to safeguard and conserve land, the LGU, through an ordinance may impose a wider easement subject to the rights of private persons owning a titled land, who may be affected by the imposition of wider easements under Article II, Section 9 of the 1987 Constitution.

**SECTION 6. Measurement of Legal Easement.** For the purpose of measuring or establishing the salvage zone and legal easements, the following rules shall be applied:

- 6.1 Lands bordering the seas, gulfs, bays or ports shall be subjected to *easement of salvage zone* of twenty (20) meters in agricultural lands and forty (40) meters in forest lands measured landward from the Mean High Water line or interior limit of the shoreline.
- 6.2 Banks of rivers and streams with channels at least five (5) meters wide or continuously flowing rivers and streams even with less than five (5) meters width, creeks, arroyos or esteros shall be subjected to legal easement of three (3) meters in urban areas, twenty (20) meters in agricultural lands and forty (40) meters in forest lands, measured landward from the edge of the normal high waterline.
- 6.3 Lands along the shore of lakes shall also be subjected to the same legal easement in Section 6.2 above, measured from the edge of the normal high water marks made at the lake's greatest water depth, except those under the jurisdiction of the Laguna Lake Development Authority (LLDA) and other government agencies.

The measurement of easement along seas and coastal areas shall be based on the mean high-water level with reference to the tide table as published by the NAMRIA.

The provisions of Section 2 of DAO No. 99-21 and Section 84 of DMC No. 2010-13 on the survey of legal easements shall be followed. All existing easements as identified in the old Cadastral Survey and those within forest lands and National Parks/Protected Areas shall be updated every ten (10) years and reflected or indicated in the corresponding map through dotted lines.

The lands formed from the forces of nature resulting in recession of the water level shall be preserved as easement and shall not be subjected to disposition until it is classified. On the other hand, lands submerged as a result of the sea level rise or subject of erosion shall be accordingly reduced in the map. If a private or titled land is affected, no new easement shall be required.

**SECTION 7. Monitoring.** The DENR Regional Offices, through their Enforcement Division shall monitor the establishment of easements in accordance with the provisions of this Order. In case the area concerned is within a National Park/Protected Areas, the Protected Area Management Board (PAMB) shall be included in the monitoring.

A database of shape files of all the established easements shall be created in the Regional Office. This shall be maintained and updated from time to time or when necessary.

**SECTION 8. Enforcement.** All individuals or group entities owning or managing the establishments and structures which are found to be in violation of the rules on the establishment of salvage zones and legal easements, whether private or owned by the government, shall be subjected to possible relocation and demolition, if warranted.

All violators shall be notified by the Region to comply with the rules. Those individuals or group entities that are subject to relocation but with existing Environmental Compliance Certificate (ECC) shall be required to apply for a new one since the previously issued Certificate is based on the impact areas identified in their earlier submitted Environmental Impact Assessment (EIA) studies.

The enforcement of legal easements within Protected Areas shall be guided by the provisions of Section 24 of DAO No. 2019-05.

**SECTION 9. Separability Clause.** If any provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

**SECTION 10. Repealing Clause.** All Orders and other similar issuances inconsistent herewith are hereby revoked, amended, or modified accordingly.

**SECTION 11. Effectivity Clause.** This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).

Publication: Daily Tribune  
June 16, 2021

Acknowledgement: U. P. Law Center  
June 17, 2021

ROY A. CIMATU  
Secretary

