



Republic of the Philippines
Department of Environment and Natural Resources
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Website: www.denr.gov.ph

AUG 03 2021

DENR Administrative Order
No. 2021- 27

**SUBJECT : **PRESCRIBING THE GUIDELINES ON THE ISSUANCE OF
PROVISIONAL AGREEMENT FOR ALL TENURE
INSTRUMENTS ISSUED UNDER THE FORESTRY SECTOR****

In line with the on-going rationalization and streamlining of processes, promotion of more private investment in forestry development projects, and pursuant to Presidential Decree (PD) No. 705, as amended, Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, and the Philippine Master Plan for Climate Resilient Forestry Development, which envisions, among others, to *“place all forest lands under sustainable forest management in order to meet demands for forest goods and ecosystems services*, this guidelines on the issuance of Provisional Agreement (PA) for all tenure instrument applied for and/or issued by the DENR under the forestry sector is hereby issued and promulgated.

SECTION 1. Basic Policy. It is the policy of the State to sustainably manage the country’s forest resources and to protect and advance the rights of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SECTION 2. Scope and Coverage. This guidelines shall cover all applications for new, renewal and/or conversion of tenure instruments being issued by the DENR under the forestry sector, which have been endorsed to and received by the National Commission on Indigenous Peoples (NCIP) for the issuance of the corresponding Certification Precondition (CP) and/or Certificate of Non-Overlap (CNO), as follows:

1. Integrated Forest Management Agreement (IFMA)
2. Socialized Industrial Forest Management Agreement (SIFMA)
3. Forestland Grazing Management Agreement (FLGMA)
4. Forestland Grazing Lease Agreement (FLGLA) for conversion to FLGMA
5. Forest Land Use Agreement (FLAg)
6. Forest Land Use Agreement for Tourism Purposes (FLAgT)
7. Community-Based Forest Management Agreement (CBFMA)
8. Other Lawful Purposes Lease Agreement (OLPLA) for conversion to FLAg or FLAgT, as the case may be
9. Special Land Use Permits (SLUPs) for conversion to FLAg/FLAgT
10. Tree Farm Lease Agreement (TFLA) and/or Agroforestry Farm Lease Agreement (AFFLA) for conversion into SIFMA

SECTION 3. Definition of Terms. For the purpose of this Order, the following terms are to be understood and interpreted as follows:

- a) **Certificate of Non-Overlap (CNO)** – refers to the Certificate issued by the NCIP attesting to the fact that the area where the plan, program, project or activity to be done does not overlap with, or affect, any ancestral domain.

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- b) **Certification Precondition (CP)** - refers to the Certificate issued by the NCIP, signed by the Chairperson or authorized representative, attesting to the grant of Free, Prior and Informed Consent (FPIC) by the concerned Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)
- c) **Government Share** – an amount to be paid by a user as a share to the government in the form of user’s fee for the use of a certain parcel of the forest land.
- d) **Permanent improvement** – refers to improvement introduced to the land under contract/agreement which cannot be removed without causing any damage therefrom.
- e) **Provisional Agreement (PA)** – refers to a two-year agreement granted by the State to a natural or juridical person who applied for new, renewal and/or conversion of tenure instruments under the forestry sector, and such application has been endorsed to and received by the National Commission on Indigenous Peoples (NCIP) for the issuance of the corresponding Certification Precondition and/or Certificate of Non-Overlap (CNO).
- f) **Temporary improvement** – refers to improvement introduced to the land under contract/agreement which can be removed without causing any damage therefrom.

SECTION 4. Provisional Agreement and Approving Authority.

4.1 In order to provide the applicant ample time to secure the corresponding CP/CNO from the NCIP, a Provisional Agreement (PA) with a validity of two (2) years shall be issued by the Regional Executive Director after 15 days from the date the NCIP has received the endorsement, following the attached Format marked as Annex “A” for new application, Annex “B” for renewal and Annex “C” for conversion to other instruments, subject to the following conditions:

4.1.1 For new application

- The holder may proceed with the ground survey, delineation and demarcation of the boundaries of the would-be tenured area;
- The holder shall manage, maintain and protect the area against any form of unlawful activities; and
- The holder may be allowed to introduce temporary improvements in the area.

4.1.2 For renewal

- The holder shall not introduce additional permanent improvements in the area;
- The holder shall continue managing and protecting the area against any form of unlawful activities;
- The holder shall follow the terms and conditions of the previous agreement/permit; and
- The holder shall be authorized to harvest and utilize the products from existing agroforestry and established tree plantations, in accordance with the approved plan or permit.

4.1.3 For conversion to other tenure instrument

- The holder shall not introduce additional permanent improvements thereon;
- The holder shall continue managing and protecting the area against any form of unlawful activities;
- The holder shall follow the terms and conditions of the previous agreement/permit; and
- The government share (GS) shall be computed following the existing guidelines under which the tenure instrument shall be converted.

4.2 The PA shall automatically be terminated upon the issuance of the corresponding tenure instrument by the concerned DENR Office. Likewise, it may be extended if no CP or CNO is issued within the period; or until the application therefor shall have

been finally approved by the NCIP; and provided that no violation of existing laws, rules, and regulations was incurred within the duration of the PA.

Should a resolution of Non-Consent be issued by the Indigenous Cultural Communities (ICCs), and the application is finally denied and returned by the concerned NCIP Regional Director, a notice shall be issued by the concerned DENR Regional Office to the applicant to vacate the area and dismantle introduced temporary improvements within seven (7) days. All permanent improvements shall be subjected to take-over by the Government pursuant to existing laws, rules, and regulations. Moreover, the PA shall be deemed terminated and the area shall be placed by the DENR under an appropriate management arrangement and/or may be open for investment.


- 4.3 The validity period of the PA shall form part of the 25-year period of the tenurial instrument in conformity with the 50-year limitation on the utilization, development, and conservation of natural resources as provided under the 1987 Philippine Constitution.

SECTION 5. Responsibilities of the PA Holder and the DENR

- 5.1. The holder shall ensure compliance with the terms and conditions of the PA and shall exert due diligence in securing the corresponding NCIP Certificate within the 2-year period;
- 5.2. The concerned DENR Regional Office shall assist the holder in securing the corresponding NCIP Certificate by endorsing the application requirements to the concerned NCIP Regional Office consistent with existing laws, rules, and regulations.

SECTION 6. Repealing Clause. All Department Orders, Circulars and other issuances inconsistent herewith are hereby repealed and amended accordingly.

SECTION 7. Effectivity. This Order shall take effect immediately after its publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the Office of the National Administrative Register (ONAR) of the UP Law Center.


ROY A. CIMATU
Secretary



Publication: Manila Standard
August 23, 2021

Acknowledgement: U.P. Law Center
August 24, 2021



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Annex "C"
 Template for
 conversion to
 other Tenure
 Instrument

**PROVISIONAL _____ (Tenure Instrument) _____ AGREEMENT
 NO. _____**

 (Name of Holder)

 (Address of Holder)

In consonance with Department Administrative Order No. _____ dated _____ signed by the DENR Secretary, and other existing laws and regulations, this Provisional Agreement is hereby granted to _____ /represented by _____ (if the applicant is a juridical person), of legal age, and a resident of _____ to continuously occupy and manage the area covered by expired FLGLA/SLUP/OLPLA/AFFLA/TFLA No. _____ being converted to _____ FLGMA/FLAg/FLAgT/SIFMA located in Sitio(s) of _____ Barangay(s) of _____ Municipality(ies) of _____ Province(s) of _____, the boundary and description of which are shown in the attached map which form part of this Provisional Agreement.

This Agreement is subject to all existing laws, rules and regulations as well as those which may hereafter be promulgated, and the following terms and conditions:

1. The holder shall not introduce additional permanent improvements in the area;
2. The holder shall continue managing and protecting the area against any form of unlawful activities;
3. The holder shall follow the terms and conditions of the previous agreement/permit;
4. The government share (GS) shall be computed following the existing guidelines under which the tenure instrument shall be converted; and
5. The holder shall ensure compliance with the herein terms and conditions of the Agreement; and shall exert due diligence in securing the corresponding NCIP Certificate within the 2-year period.

This Agreement shall expire on (end of two-year period). It shall automatically be terminated upon the issuance of the appropriate Clearance Certificate from the NCIP and the (Tenure Instrument) shall have been issued. Likewise, it may be extended if no CP or CNO is issued within the period; or until the application therefor shall have been finally approved by the NCIP; and provided that no violation of existing laws, rules and regulations was incurred within the duration of the PA. Should a Resolution of Non-Consent shall have issued by the Indigenous Cultural Communities (ICCs), and the application is finally denied and returned by the concerned NCIP Regional Director, the PA shall be deemed terminated and the area shall be placed by the DENR under appropriate management arrangement and/or may be open for investment.

Issued on _____ at _____.

REGIONAL EXECUTIVE DIRECTOR

Copy furnished:

1. PENRO, _____
2. CENRO, _____
3. Director, FMB, Diliman, Quezon City
4. File

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