



REPUBLIC OF THE PHILIPPINES



**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**

MAY 19 2003

**JOINT DENR-DILG MEMORANDUM CIRCULAR**

No. 2003 - 01

**SUBJECT: Strengthening and Institutionalizing the DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions**

The Department of Environment and Natural Resources (DENR) and the Department of the Interior and Local Government (DILG) realize the need for the involvement of local government units (LGUs) in managing forestland resources in line with existing laws. The collaboration and partnership between DENR and DILG in supporting LGUs to protect, develop, and manage forestland resources will improve the overall health of the Philippine environment, uplift the socio-economic condition of upland communities, conserve biodiversity, strengthen food and fiber security, and stabilize the supply of water from watersheds.

Various laws and policies call for the effective partnership between the DENR and LGUs. Republic Act No. 7160 otherwise known as the Local Government Code of 1991 devolved certain forest management functions to LGUs. DENR issued Department Administrative Order No. 92-30 entitled "Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units." In 1998, DENR and DILG issued Joint Memorandum Circular No. 98-01 entitled "Manual of Procedures for DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions".

To accelerate the collaboration, partnership, coordination and institutionalization of the working relationships among these agencies and units of government, the following guidelines and instructions are hereby issued.

**Section 1. Operationalization and Institutionalization of the DENR-DILG-LGU National Steering Committee**

The National Steering Committee (NSC) provided for in Sec. 6.1 of JMC 98-01 shall now be convened without further delay.

In its first meeting, the NSC shall forge a Memorandum of Agreement (MOA) between and among its member institutions specifying their respective roles and functions, their internal rules of business, the composition, roles and functions of the National Technical Working Group (NTWG), and their commitments to the partnership.

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The Director, Forest Management Bureau, as Head of NTWG, shall make the necessary preparations to convene and activate the NSC. The NSC shall formulate policies and programs and establish necessary linkages with other pertinent agencies and sectors towards strengthening and institutionalizing this partnership.

## **Section 2. Operationalization and Institutionalization of the Partnerships at the Field Level**

The Regional Executive Director of DENR in collaboration with its counterpart DILG Regional Director shall organize and develop strategies and work plans for supporting the partnership in their respective jurisdictions. The Provincial Environment and Natural Resources Officers (PENRO), the Community Environment and Natural Resources Officers (CENRO), their counterparts in the DILG, and the heads of the various leagues shall meet with the elected provincial governors and mayors in their respective areas to operationalize the partnership within their respective jurisdictions, following pertinent guidelines set by the NSC and / or the regional directors.

The DENR officers concerned shall initiate the coordination and meetings with the DILG and LGUs.

The partnership shall be evidenced by a MOA to be signed by the concerned DENR, DILG, LGU officials and their Leagues. The MOA shall specify the roles and functions of the parties, their internal rules of business, the composition, roles and functions of the Technical Working Group, and their commitments to the partnership.

## **Section 3. Priority Concerns in Operationalizing the Partnership and Collaboration between and among DENR, DILG, LGUs, and the Leagues**

The following shall be the priority concerns of the partnership:

### **3.1 Technical**

- a. The identification, delineation and establishment of communal forests, community watersheds, greenbelts, tree parks, reforestation areas and other co-management areas, as may be defined by regulations.
- b. The undertaking of transparent, accountable and participatory forest land use planning for each LGU (or collection of contiguous LGUs) in which the roles and responsibilities of national and local agencies and other sectors are clearly specified.
- c. The devolution of the management of forest land areas based on approved LGU forest land use plans (FLUPs).

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### 3.2 Administrative

Upon the issuance of this JMC, the NSC shall address the following:

- a. The formulation of a National Strategic Partnership Plan.
- b. The dissemination and Implementation of JMC 98-01, as amended by this JMC.
- c. Issuance of appropriate instructions or communications to Regional, Provincial and Community/Municipal/City DENR and DILG officials, and officials of other pertinent agencies (e.g. NCIP).

### Section 4. Documentation of Forest Management Projects That Will Be Devolved to the LGUs and Other Forest Areas to be Placed Under Co-Management

The devolution of forestry projects to the LGUs as called for under RA 7160 shall likewise proceed without further delay.

As called for under Sec. 7.4 of DENR-DILG JMC 98-01, forest management projects and functions devolved from the DENR to the LGUs in accordance with their approved FLUPs shall be fully documented. Additionally, and in cases where the DENR and the LGUs agree to co-manage a certain forest area, the same shall also be fully documented.

The DENR Officers authorized to enter into a MOA with LGUs respecting to this partnership shall be as follows:

For forest areas up to 1,000 ha	CENRO
More than 1,000 ha up to 5,000 ha	PENRO
More than 5,000 ha up to 15,000 ha	RED
More than 15,000 ha up to 30,000 ha	USEC for Field Operations
More than 30,000 ha	Secretary

Corresponding DILG officials shall act and sign as witness in each MOA. The MOA shall clearly specify the roles, responsibilities and accountabilities of the various offices and officers which will be involved in the devolution and co-management. The parties shall also adopt good governance principles of transparency, accountability and participatory mechanisms in the management of the forestland areas.

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**Section 5. Instruments and Mechanisms for DENR, DILG, and LGU Partnerships and Collaboration**

All FLUPs of LGUs shall be approved by their respective City / Municipal Development Councils and need to be enacted as ordinances by their respective Sangguniang Panglungsod / Bayan as part of their comprehensive land use plans. DENR approval of the FLUPs shall follow its enactment as an ordinance and such approval of by DENR shall be manifested through a MOA between the DENR and the LGU; the MOA shall provide for the commitments of the two parties toward the full implementation of the FLUP.

The DENR Regional Executive Director shall sign all MOAs on approved FLUPs on behalf of the DENR, with the DILG Regional Director as witness.

**Section 6. Co-Management of Watersheds and other Forest Areas**

Based on the LGU FLUPs, and given the urgency to protect, develop and manage certain forests and forestlands that by law have been reposed on DENR or other agencies, concerned LGUs may enter into co-management agreements over said areas.

**Section 7. Reiteration of LGU Participation in the Issuance of Tenure Instruments and Permits under Sec. 9.3 of JMC 98-01**

Henceforth it is mandatory for pertinent DENR offices to submit for comments by the LGUs any application for tenurial instruments, including resource extraction permits, before said instruments or permits are issued; provided, that the concerned LGU shall inform DENR of the action it has taken within fifteen (15) days from the date of receipt of the document; otherwise, it will be presumed that the LGU fully endorses said applications or instruments.

In cases where the forest area covers one or more cities / municipalities, then the comments of all the city / municipal LGUs including the provincial LGU must be requested.

In cases where the forestland area covers two or more provinces, the comments of all the city / municipal LGUs and the provincial LGUs which cover the area must be requested.

If the comments of the LGUs as above indicated are not solicited, the tenurial or allocation instrument or resource extraction permit so issued shall be subject to further review and all activities in said forestland area shall be suspended, until such time that the comments of the concerned LGUs are received.

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In addition, the CENR, PENR and the Regional DENR Officers who failed to solicit the comments of the LGUs, and gave due course to the processing of the application, shall be administratively liable without prejudice to other liabilities as may be provided by law.

### **Section 8. Deputation of LGU Officials as ENR Officers**

In addition to existing DENR guidelines on deputation of Special Environment and Natural Resources Officers, the NSC shall formulate guidelines on how LGU officials can be deputized as Special ENR Officers and how they can effectively assist DENR in the implementation of environment and natural resources laws and regulations, with attendant responsibilities and accountabilities. DENR will develop and implement a training and periodic upgrading sessions for the deputized LGU officials.

### **Section 9. Enjoining LGUs to Provide Funds to Make Devolution, Partnership and Co-Management Effective**

The DENR shall provide the necessary technical support to capacitate the LGUs in handling forest management responsibilities. The LGUs are enjoined to provide the necessary funds to make the devolution, partnership and co-management work. Other resources sharing arrangements shall be worked out among DENR, DILG and LGUs, and guidelines for such arrangements shall be provided for in the National Strategic Partnership Plan.

### **Section 10. Additional Guidelines to Strengthen Partnership**

The National Steering Committee shall conduct a regular review of this JMC and such other guidelines it issued to effect this partnership.

### **Section 11. Administrative Sanctions**

The DENR, the DILG and LGU officials are called upon to coordinate with each other and to perform their respective functions as called for under existing policies on the matter. Deliberate refusal, delay or inexcusable negligence not to perform his/her duties to effect LGU involvement and the partnership of the DENR, DILG and the LGU, may subject said officer to administrative disciplinary sanctions as may be appropriate.

### **Section 12. Separability Clause**

If any clause, sentence or provision of this Circular shall be held invalid or unconstitutional, the remaining parts of this Circular shall not be affected thereby.

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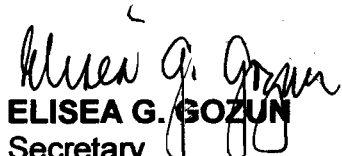
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**Section 13. Repealing Clause**

All orders, rules and regulations inconsistent or contrary to the provisions of this Circular are hereby repealed or modified accordingly.

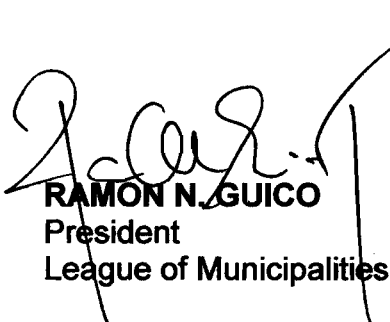
**Section 14. Effectivity**


This Order shall take effect immediately.

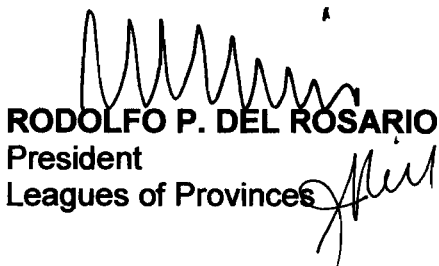
  
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