

Republic of the Philippines  
Ministry of Natural Resources  
BUREAU OF FOREST DEVELOPMENT  
Diliman, Quezon City

MINISTRY ADMINISTRATIVE:  
ORDER NO. 50 :  
Series of 1982 :


NOV 11 1982

SUBJECT: REGULATIONS GOVERNING THE ADMINISTRATION, MANAGEMENT,  
AND DISPOSITION OF GRAZING LANDS, COMMUNAL GRAZING  
LANDS, AND FOREST LANDS USED FOR GRAZING PURPOSES

Pursuant to Section 9, P.D. No. 705, the following guidelines governing the administration, management and development of grazing lands, communal grazing lands, forest lands used for grazing purposes and other range resources are hereby promulgated.

1 SEC. 1. Definitions:

- 2 a. Animal unit is equivalent to one (1) mature cow or two (2)  
3 yearlings.
- 4 b. Animal unit month is the number of animal units that  
5 a given range can support for a period of one month.
- 6 c. Bureau refers to the Bureau of Forest Development.
- 7 d. Communal grazing land is a portion of land established for  
8 grazing of domestic livestock by the residents of a particular  
9 municipality for personal purposes.
- 10 e. Director refers to the Director of the Bureau of Forest  
11 Development.
- 12 f. Forest lands include the public forests, the permanent  
13 forests or forest reserves, and other forest reservations.
- 14 g. Forest land grazing lease is a long-term privilege granted  
15 by the State to a person to occupy and possess in consi-  
16 deration of a specified rental and regulation, any forest  
17 land of the public domain found suited for grazing purposes,  
18 in order to undertake any authorized activity therein.

 T. R. R.



- 1 h. Grazing capacity is the maximum number of animal units
- 2 that a given range area is capable of supporting without in-
- 3 jury to soil, vegetation or watershed.
- 4 i. Grazing land refers to that portion of the public domain
- 5 which has been set aside, in view of the suitability of its
- 6 topography, soil, and vegetation, for the raising of livestock.
- 7 j. Grazing land lease is a long-term privilege granted by the
- 8 State to a person to occupy and possess in consideration of
- 9 a specified rental and regulations, any grazing land of the
- 10 public domain in order to undertake any authorized activity
- 11 therein.
- 12 k. Plant cover index is a measure of soil cover provided by
- 13 vegetation or the abundance of established plants. It is the
- 14 number of hills of living vegetation per 100 observations
- 15 along a transect.
- 16 l. Forest land permit or grazing land permit is a short-term
- 17 privilege or authority granted by the State to a person to
- 18 utilize, in consideration of a specified rental and regula-
- 19 tions, a portion of forest land or grazing land, as the
- 20 case may be, to graze cattle for commercial purposes.
- 21 m. Provisional Pasture Permit refers to a short-term privilege
- 22 granted by the State, prior to the issuance or renewal of a
- 23 grazing land lease or forest land grazing lease, to a person
- 24 to occupy and possess in consideration of a specified rental
- 25 and regulations, any grazing land or forest land in order to
- 26 undertake any authorized activity therein.

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- 1 n. Minister refers to the Minister of Natural Resources.
- 2 o. Ministry refers to the Ministry of Natural Resources.
- 3 p. Range condition refers to the state of health of the range.
- 4 q. Range allotment or allotment refers to an area which is
- 5 designated for use of a prescribed number of cattle under one
- 6 plan of management. Normally this would be identical with
- 7 the area under lease or permit.
- 8 r. Stocking refers to the actual number of animals, expressed
- 9 in either animal units or animal unit months, on a specific
- 10 area at a specific time.
- 11 s. Transect refers to a line along which observations on soil
- 12 cover are made at regular intervals.
- 13 t. Trend refers to the change in range condition.
- 14 u. Watershed is a land area drained by a stream or fixed body of
- 15 water and its tributaries having a common outlet for surface
- 16 run-off.
- 17 v. Watershed, critical - is a drainage area of a river system
- 18 supporting existing or proposed hydro-electric power and/or
- 19 irrigation facilities needing immediate rehabilitation as it
- 20 is being subjected to a fast rate of denudation causing
- 21 accelerated erosion and destructive floods.
- 22 w. Watershed reservation or watershed reserve is a forest land
- 23 reservation established to protect or improve the condition
- 24 of the water yield thereof or reduce sedimentation.

25 SEC. 2

Administration and supervision of grazing lands:

26 Pursuant to Section 14 of P.D. 705, as amended, the

27 administration, management and disposition of grazing lands,

1 communal grazing lands and forest lands which are subject of  
2 pasture leases and permits shall remain under the Bureau of  
3 Forest Development. The Bureau, however, shall establish suit-  
4 able working arrangements with other relevant agencies of the  
5 government to effectively assist the cattle raisers maximize  
6 production of meat and dairy on a substantial basis without  
7 damage to the land.

8 SEC. 3. Zonification and classification of forest land into grazing land.

9 a. Forest lands which are used for grazing purposes shall be  
10 classified as grazing lands subject to the following criteria:

- 11 (1) Extent - Contiguous area of not less than 1,000 hectares.
- 12 (2) Climate - No special climatic hazard. Severe storm is  
13 uncommon or occurs only during season when vegetative  
14 growth is usually adequate to protect the soil.
- 15 (3) Soil and Parent Materials - Soil is table medium to  
16 heavy textured, and erosion-resistant. Soil is not prone  
17 to erosion or damage from trampling of livestock. There is  
18 evidence to profile development. There is no or very few  
19 evidence of soil-slips or landslides. Erosion if any must  
20 be very moderate or slight.
- 21 (4) Vegetative Cover - Open, grass and/or brush covered lands.  
22 Grass cover would be sufficient to support livestock and  
23 protect the land from erosion or destruction, to be deter-  
24 mined under the following guidelines.
- 25 Slope gradient - up to 18% - Plant-cover index 10 or greater.  
26 Slope gradient - 18-30% - Plant-cover index 15 or greater.  
27 Slope gradient - 30-50% - Plant-cover index 20 or greater.

1 (5) Topography - At least 75% of the area must have a slope  
2 of not more than 50%.

<u>Slope Gradient</u>	<u>Length of Slope</u> (Distance from Bottom)
10-18%	1,800 meters
19-29%	1,000 meters
30-39%	600 meters
40-50%	400 meters

6 (6) Forage Production Capability - 500 or more kilograms, air-  
7 dry, forage production per hectare preferably taken during  
8 the first 60 days of the rainy season.

9 (7) Physical Barriers - There must be none, or at most, only  
10 very minor restrictions in the form of brush, cliffs,  
11 ravines, rock slides, stony soil or swamps within the area.

12 (8) Water - There must be accessible and continuous supply of  
13 water.

14 (9) Occupancy - Area should be free from established private right  
15 or claims, forest concessions or other forest licenses or  
16 permits, and forest occupancy, especially by members of  
17 ethnic groups.

18 b. Areas which have already been reforested, earmarked for  
19 reforestation, forest occupancy, agro-forestry or experimental  
20 purposes, or other forestry projects shall not be zonified as  
21 grazing land.

22 However, forest land which cannot be zonified as grazing  
23 land under the foregoing guidelines but are presently devoted to  
24 grazing under a pasture lease agreement or permit may continue  
25 to be used therefor, if so warranted after an evaluation thereof.  
26 In such an event, a forest land grazing lease shall be executed  
27 in favor of the existing lessee or permittee.

1 c. Forest lands which cannot be zonified as grazing land under  
2 the foregoing guidelines and are not covered by any existing  
3 pasture lease agreement or permit but found suitable for grazing  
4 may be used for grazing purposes under a forest land grazing  
5 lease or permit.

6 d. Denuded forest lands which are suitable for grazing covering  
7 and area of not more than 300 hectares may be set aside as a  
8 communal grazing area upon request of the municipal government  
9 concerned.

10 SEC. 4. Provisional Pasture Permit

11 During the processing of new or renewal applications for  
12 either a grazing land lease or a forest land grazing lease, a  
13 provisional pasture permit shall be issued to the applicant  
14 immediately after the suitability and availability of the area  
15 for grazing purposes has been determined.

16 SEC. 5. Grazing Land Lease/Permit/Forest Land Grazing Lease/Permit:

17 Existing pasture lease agreements/permits over areas  
18 within the grazing land zone shall be converted into Grazing  
19 Land Leases. Those covering areas outside the grazing land  
20 zones but were evaluated and found to be suitable for grazing  
21 without any impairment to the forest resources therein, shall  
22 be converted into Forest Land Grazing Leases/Permits, provided  
23 that (a) lessees/permittees have not violated the terms and  
24 conditions of their lease agreements/permits; (b) the grass  
25 cover thereof is sufficient for soil and water conservation;  
26 (c) the terms and conditions of the converted lease agreements/  
27 permits are now governed by this Order.

1                   Contiguous portions of at least 100 hectares with a topog-  
2 raphy of 50% or more found along the boundary of the leased  
3 area may at the option of the lessee, be excluded therefrom and  
4 shall be made available for a tree farm or agro-forest lease, with  
5 preference to existing lessees/permittees to apply for the same  
6 within a period of six (6) months from the date of exclusion. In  
7 the event that the lessee/permittee opted to retain said portions,  
8 he shall reforest the same within a period of 10 years. Portions  
9 having a topography of at least 50% found within areas covered by  
10 existing leases/permits but are far from the boundaries thereof  
11 shall continue to to be covered by the lease/permit, subject to the  
12 condition that the lessee shall devote these areas to the planting  
13 of prescribed tree species.

14                   Lease/Permit shall not be granted over areas covered with  
15 grasses along fringes of forest and/or isolated patches of grass-  
16 lands within forest concessions.

17 **SEC. 6. Limitation of area for lease/permit:**

18                   A Grazing Land lease or Forest Land Grazing/Lease shall  
19 cover an area of not more than 2,000 hectares. Provided, that  
20 areas less than 50 hectares covered by existing leases shall not  
21 be the subject of a lease, but of an annual permit, which shall  
22 not be renewed if the Bureau has prepared a program to implement  
23 a better use thereof; Provided, further, That there shall hence-  
24 forth be no more issuance of a lease over an area with less than 50  
25 hectares, except when said area is located in a declared grazing  
26 zone.







1 hectare; Provided, further, That in arable portions of the leased  
2 area of food production area may be established for the raising of  
3 staple crops pursuant to Presidential Decree No. 472; Provided,  
4 further, That the area to be devoted for food production shall be  
5 equivalent to 10% of the leased area but not less than one  
6 hectare nor more than 20 hectares; Provided, further, That the lessee  
7 shall not cut down any tree to make a clearing; Provided, finally,  
8 That no agricultural crop shall be raised in any other portion  
9 of the leased area.

10 SEC. 10.

Stocking. /

11 Stocking shall be in accordance with the actual grazing capa-  
12 city of the area, and shall be adjusted only in accordance with  
13 the forage improvements and development actually done, based on the  
14 latest forage inventory, range condition and trend analysis which  
15 shall be conducted every five years of the leased area; Provided,  
16 That no new lease shall be issued unless the applicant is able to  
17 prove that he can place and maintain at least one animal unit of  
18 cattle for every five hectares after five years from the issuance  
19 of the lease; Provided, further, That holders of existing pasture  
20 lease agreement shall within (5) five years from the conversion  
21 thereof into either a grazing land lease or a forest land grazing  
22 lease, have at least one animal unit of cattle for every two  
23 hectares, otherwise, the lease shall be cancelled; Provided,  
24 further, That ~~all~~ holders of pasture lease agreement without  
25 at least one animal unit of cattle for every five hectares  
26 without justifiable cause upon the promulgation of this Order  
27 shall not be allowed to convert their lease into a grazing land  
28 lease or forest land grazing lease and shall be given a deadline  
29 to comply with the requirements otherwise their lease shall be  
30 terminated; Provided, finally,

1 That the basis for the computation of stocking shall be the  
2 portions of the leased area suitable for grazing purposes.

3 SEC. 11. Required Improvements.

4 Structural improvements, such as cowboy quarters, cattle  
5 sheds, corrals, chutes, salting beds and water holes, shall be  
6 introduced by the lessee/permittee for the protection of the animals  
7 and herdsmen in accordance with an approved management plan.

8 The lessee/permittee shall fence the perimeter of the leased  
9 area with 1.3 meter high fence with at least 3 strands of barbed  
10 wire. He shall preserve the corners and boundary lines of the  
11 leased area by means of planted trees, posts or piled stones  
12 with conspicuous marks containing the number of the lease agree-  
13 ment and his name and/or initials; Provided, That in lieu of a  
14 barbed wire fence, vegetative fence may be used provided that  
15 the trees or other vegetation so planted shall be close enough  
16 to prevent the escape of animals from the leased area; Provided,  
17 further, That the fence shall not interfere with, or impede the  
18 use by the public of any road or trail crossing or adjoining the  
19 area; Provided, further, That common boundaries of grazing  
20 areas shall be jointly fenced by the lessees; or may be put-up  
21 their respective fences parallel to each other five meters apart,  
22 or the whole length of the common boundary shall be divided by  
23 the number of lessees and each shall thus fence his share thereof  
24 and maintain it accordingly.

25 Upon the expiration or cancellation of the lease or permit,  
26 the lessee or permittee shall not acquire any right to claim re-  
27 imbursement for the expenses incurred for improvement of whatever

1 kind, which he may have introduced upon the land. Permanent  
2 improvements existing thereon shall be forfeited to and become  
3 the property of the government; Provided, That if the cancella-  
4 tion of the lease or permit is in the national interest, the  
5 lessee shall be entitled to a fair and just compensation for all  
6 the permanent improvements as may be determined by a committee  
7 composed of two representative of the Bureau of Forest Develop-  
8 ment and another from the Bureau of Animal Industry.

9 SEC. 12. Prescribed Burning.

10 Controlled burning may be allowed by the District Forester  
11 under the following guidelines, to wit:

- 12 (a) When grass is still partially green or within two (2) days  
13 after a rain;
- 14 (b) No burning during the last two (2) months of the dry season  
15 shall be allowed;
- 16 (c) Burning during the late afternoon when winds are low and  
17 humidity is high;
- 18 (d) Set fires along firebreak opposite the direction of wind  
19 so that fire will burn against the wind, or if there is no  
20 wind, start the fires on the uphill side of the area, so  
21 that the fire will burn down the slope;
- 22 (e) Have on hand the help, tools and equipment for keeping the  
23 fire under control;
- 24 (f) Patrol the fire lines constantly until the fire is dead out;
- 25 (g) Planting of fast growing leguminous trees along streams,  
26 gullies and unused portions bordering the fenced compartments  
27 as fire breaks;

- 1 (h) Stagger the burning to fit the grazing schedule;
- 2 (i) No burning of the same area, oftener than once every
- 3 three years shall be allowed;
- 4 (j) Burning shall be done only on the onset of the dry season
- 5 when conditions are still favorable for rapid regrowth of
- 6 the grass;
- 7 (k) No burning of more that the available livestock can
- 8 utilize before the regrowth matures again, shall be allowed;
- 9 and
- 10 (l) Burning shall be strictly supervised by a representative of
- 11 the District Forester.

12 SEC. 13. Rights-of-Way.

13 The Bureau reserves the right to permit, if public

14 interest so requires, the opening of such portions of the leased

15 area for rights-of-way which shall not be more than ten (10) meters

16 wide; Provided, That the person or entity granted the rights-of-

17 way shall pay the lessee a reasonable compensation for any damages

18 caused on the improvement therein, if any.

19 SEC. 14. Responsibilities of Lessees or Permittees in Protecting Grazing

20 Areas.

21 Except for fence post, the lessees or permittees shall not

22 cut any tree in the grazing area. There shall be no cutting

23 along a strip forty (40) meters wide on each side along the bank

24 of rivers and streams; Provided, That, if there are no cutting

25 within such strip, he shall plant and maintain suitable trees

26 therein.

1           A ranch employee of the lessee/permittee may be deputized  
2 as forest officer upon recommendation of the lessee/permittee and  
3 approval by the Minister.

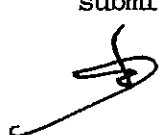

4           He shall, as provided for in Section 8 of this Order,  
5 undertake forage improvement to conserve range vegetation and  
6 related resources. He shall be responsible for the prevention  
7 of any illegal entry, occupation or kaingin-making or act of  
8 incendiarism within the leased area. Any such incidents shall be  
9 promptly reported to the local forest officer and failure  
10 to do such, shall be a sufficient cause for the suspension and/  
11 or cancellation of the lease or permit.

12 SEC. 15. Regulations on Registration of Livestock.

13           The lessee shall comply with all laws and regulations  
14 governing the registration of livestock and brands.

15 SEC. 16. Annual Report.

16           Within ninety days after the end of each calendar year,  
17 the lessee shall submit a sworn report to the local district  
18 forester on all activities undertaken in the area, particularly  
19 in the implementation of the management plan, specifying the number  
20 of heads of cattle produced in the year, the present number of  
21 those existing in the area and of those sold or disposed of, and  
22 the kind and cost of improvements already introduced as of the  
23 submission of the report.

1 Non-submission of the annual report within 90 days  
2 shall make the lessee subject to a fine in an amount equiva-  
3 lent to the annual rental.

4 SEC. 17 Grazing Management Plan.

5 Grazing activities shall be conducted only in close  
6 confirmity with the grazing management plan outline/guideline  
7 to be furnished by the Director, which shall be approved together  
8 with the application for lease; Provided, That all existing  
9 lessees/permittees, whether they have submitted a range manage-  
10 ment plan or not, shall submit within 6 months after the pro-  
11 mulgation of this Order, a grazing management plan to govern  
12 the grazing operations within the leased area for the approval  
13 of the Director; Provided, further, That such plan shall be  
14 revised at the end of the first seven years of operation and  
15 at every 7th year thereafter; Provided, finally, That failure  
16 to submit such plan within the grace period of 6 months shall  
17 be penalized as follows:

<u>Penalty</u>	<u>Period of Submission</u>
50% of annual rental	Within 3 months after grace period
100% of annual rental	Between 3 to 6 months after grace period
200% of annual rental	Between 6 to 9 months after grace period
<u>Cancellation</u> of lease/ permit	Between 9 to 12 months after grace period

23 SEC. 18. Application for Grazing Land Lease and Forest Land Grazing  
24 Lease/Permit.

25 Grazing land lease or forest land grazing lease/permit  
26 shall not be issued or renewed, unless an application therefor

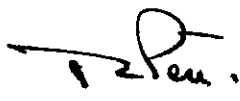
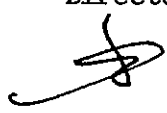
1 has been filed and approved in accordance with the provisions  
2 of this Order. Provided, That an application for renewal shall  
3 be filed at least sixty (60) days prior to its expiration.

4 SEC. 19. Who May Apply.

5 Only the following persons may file an application for  
6 grazing land lease or forest land grazing lease/permit: (1)  
7 citizens of the Philippines who are at least 21 years of age at  
8 the time of the filing of the application; and (2) corporations,  
9 partnerships, and such other juridical persons as may be recog-  
10 nized and registered in accordance with the laws of the Philip-  
11 pines, at least sixty per centum (60%) of the capital of which  
12 is owned, controlled and managed by citizens of the Philippines;  
13 Provided, That the Minister may, consistent with the national  
14 policy of attracting foreign investments in capital intensive  
15 and dollar consuming enterprises, allow applicants with service  
16 contracts with any foreign person or entity for financial,  
17 technical management for any other form of assistance, in under-  
18 taking the proposed utilization, development or activity under  
19 a lease agreement to file an application therefor.

20 SEC. 20. Form, Contents and Supporting Documents.

21 Applications shall be filed in a form to be prescribed by  
22 the Director. The application form shall contain particulars on  
23 the nature of the proposed utilization, development, or activity,  
24 the location and size of the area, the sketch, boundaries and a  
25 brief description thereof, and such other information as the  
26 Director may require.



1 An application shall only be accepted if properly subscribed  
2 and sworn to by the applicant, or in the case of juridical person,  
3 by its president, general manager or authorized agent, and accom-  
4 panied by the following documents:

- 5 (a) If the applicant is a government official or employee,  
6 whether in the career or non-career service, a written  
7 permission from the department head or head of the agency  
8 concerned.
- 9 (b) If the applicant is a married woman, the written consent  
10 of her husband.
- 11 (c) If the applicant is a naturalized Filipino citizen - a copy  
12 of his certificate of naturalization certified by the Clerk  
13 of Court of the Court of First Instance that issued the  
14 same, and a certification by the Office of the Solicitor  
15 General that it has not filed or taken any action for his  
16 denaturalization, or any action that may affect his citi-  
17 zenship.
- 18 (d) If the applicant is a corporation- (a) three copies of  
19 its articles of incorporation, (b) three copies of the  
20 by-laws; (c) three copies of the minutes of the latest  
21 organizational meeting of its stockholders, electing  
22 the present members of the Board of Directors, (d) three  
23 copies of the resolution adopted at said stockholders  
24 meeting, electing the present members of the Board of  
25 Directors certified to by the corporate secretary, (e)  
26 three copies of the minutes of the latest organizational  
27 meeting of the Board of Directors, electing the present



1 officers of the corporation, certified by the corporate  
2 secretary; (g) three copies of the minutes of the meeting  
3 of the Board of Directors indicating the authority of the  
4 officer to file the application in behalf of the corporation.

5 The articles of incorporation must show an undertaking  
6 that there will be no transfer of stock that will change the  
7 citizenship and capital structure of the corporation and  
8 should there be any transfer of stock, it shall not be  
9 effected without the approval of the Minister, upon recom-  
10 mendation of the Director. All the above corporate documents  
11 must be certified to be on file with the Securities and  
12 Exchange Commission and the certification must be signed by  
13 the authorized officer of said Commission.

14 (e) If the applicant uses a name, style or trade name, other than  
15 its or his true name - three copies of the certificate of te-  
16 gistration of such name, style or trade name with the Bureau  
17 of Domestic Trade, certified by an authorized officer of said  
18 Bureau.

19 The application must further be accompanied by three  
20 certified copies of the income tax return for the preceding  
21 year, if the applicant was already in existence at the time  
22 and required to file said return.

23 SEC. 21. Where to File the Application.

24 The application for grazing land lease of forest land  
25 grazing lease/permit or renewal thereof, shall be filed with  
26 the Forestry District Office.

27 SEC. 22. When to File, Recording of Application.

28 All applications shall be filed during regular office  
29 hours and shall be serially numbered, stamped and recorded

1 in the book provided for the purpose in chronological order  
2 showing the number, the date and the time of receipt thereof.

3 SEC. 23. Application Fees.

4 An application for new lease or permit shall be accepted  
5 only when accompanied by an application fee in the amount of  
6 ₱1.00 for every hectare or fraction thereof. An application  
7 for renewal shall be accompanied by an application fee of ₱0.50  
8 per hectare or fraction thereof. The fee is not refundable.

9 SEC. 24. Preliminary Evaluation.

10 The application shall, thereafter, be the subject of a pre-  
11 liminary evaluation to determine the following information from  
12 existing records in the Bureau, to wit:

- 13 (a) Whether or not the area or any portion thereof covered by  
14 the application, is covered by an existing license agreement  
15 license, lease or permit;
- 16 (b) The present status or classification of the aforesaid area,  
17 or any portion thereof, particularly, on whether it is within  
18 a critical watershed, a reforestation project, a national  
19 park or strict nature reserve, a game refuge and bird sanctuary  
20 or any other forest reservation; and
- 21 (c) The actual conditions of the area as borned out by available  
22 field reports on file or aerial photos thereof.

23 SEC. 25 Action After Preliminary Evaluation.

24 If the whole area covered by the application is vacant and  
25 available, the application shall be given due course.

26 If the proposed grazing activity may not be undertaken because  
27 the status and classification of the area, and/or its field condi-  
28 tion, such as topography and vegetative cover, as borned out by

1 the exercise of such privilege, or if the area is covered by an  
2 existing lease agreement, license or permit, the application shall  
3 be rejected outright; Provided, That, if only a portion of the  
4 area covered by the application is available, the applicant shall  
5 be so notified and given a period of 15 days from notice to  
6 amend his application so as to cover only the available area.

7 SEC. 26. Action on Application Given Due Course.

8 An application given due course shall thereafter be the  
9 subject of:

- 10 (a) A study, in order to weigh, consistently the proposed  
11 grazing activity covering a forest land, with alternative  
12 uses, and determine whether it will produce the optimum  
13 benefits to the development and progress of the country and  
14 public welfare, without impairment of/or with the  
15 least injury to its other resources; and
- 16 (b) An evaluation to determine whether the applicant has the  
17 financial and technical capability, not only to maximize  
18 benefits out of the proposed utilization, development or  
19 activity, but, more importantly, to undertake the necessary  
20 forest management, protection, conservation, and development  
21 as prescribed in this Order; Povided, That, if there are  
22 other applications affecting the same area, or any portion  
23 thereof, even if they propose a different kind of utilization  
24 development or activity, the best proposal shall further be  
25 determined in the evaluation as provided under Section 24.

26 An application given due course shall not give the applicant the  
27 right to utilize, develop or conduct the activity proposed

1           therein in any portion of the area, unless expressly authorized  
2           by the Director or his duly authorized representative.

3       SEC. 27. Inspection and Survey.

4           The Bureau may, in connection with the study and evalua-  
5           tion, order a simultaneous inspection and survey of the area  
6           covered or affected by the application, if existing data are  
7           not sufficient for the purpose, or unreliable, or if the Director  
8           finds it necessary and proper.

9       SEC. 28. Inspection and Survey Fees.

10          No inspection and survey shall be conducted in connection  
11          with the study and evaluation of application/s unless an inspection  
12          fee is deposited with the Bureau by the applicant, or applicants,  
13          pro-rated among them, in the amount of ₱2.50 for every hectare;  
14          Provided, That the fee shall not be less than ₱250.00 per appli-  
15          cation.

16       SEC. 29. Survey Requirements.

17          The inspection and survey shall seek to gather information  
18          about the area on the following matters: (1) vegetative cover,  
19          (2) forage production, (3) species composition, (4) its boundaries  
20          (5) occupancy, (6) topography and hydrography, (7) acces-  
21          sibility, (8) the proposed location of relevant infrastructures  
22          within the premises, and (9) such other information as may be  
23          necessary for the study and evaluation.

24          The perimeter and boundary lines of the area covered by  
25          said applications shall be established and marked on the ground  
26          during the survey.

1 SEC. 30. Compilation Map of the Survey Taken.

2 A compilation map with appropriate scale shall be made from the  
3 survey, using as reference the 1:50,000 topographic map and/or  
4 Bureau of Public Highways, District Engineer's Office Map.

5 The compilation map shall indicate the technical description,  
6 of the boundary of the area/s covered by the application/s, indi-  
7 cating all the adjoining licenses, communal forests, pastures,  
8 forest reserves, watershed reservations, national parks, strict  
9 nature reserves, and game refuges and sanctuaries, and blocks of  
10 alienable or disposable areas inside or adjoining the surveyed  
11 areas.

12 SEC. 31. Report of Inspection and Survey.

13 The inspection and survey report and the compilation map shall  
14 be under oath by the inspecting forest officer, and shall be ex-  
15 haustive on the matters mentioned in Section 29 above. It shall be  
16 accompanied by an affidavit of barangay captains who have political  
17 jurisdiction over the area as to the presence or absence of squat-  
18 ters thereon. The report shall be submitted within 45 days upon  
19 filing of the application.

20 SEC. 32. Evaluation of the Report.

21 Field report shall immediately be evaluated in order to  
22 determine whether the facts and data gathered are already sufficient  
23 for the study and evaluation being conducted.

24 SEC. 33. Issuance of a Provisional Pasture Permit.

25 Provisional pasture permit shall be issued by the Regional  
26 Director to an applicant for a grazing land lease/permit or forest

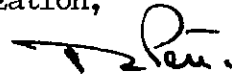
1 land grazing lease/permit, or to an applicant for the renewal  
2 of expired grazing land lease or forest land grazing lease,  
3 immediately after the area has been surveyed and found suitable  
4 and available for grazing purposes; Provided, That a provisional  
5 pasture permit shall be subject to the following conditions:

- 6 (a) He shall submit and/or complete all requirements leading to the  
7 issuance of a grazing land lease/permit or forest land grazing  
8 lease/permit within one year from the issuance of the provisional  
9 pasture permit;
- 10 (b) He shall not introduce permanent improvements thereon;
- 11 (c) He shall guard the area against the entry of squatters/  
12 settlers and follow any other duties that may be required  
13 of him by the Director;
- 14 (d) He shall pay backrentals for the use of the land, without  
15 surcharges, if there be any.

16 A provisional pasture permit shall have a term of one year, re-  
17 newable for another year and shall automatically terminate upon  
18 approval of the grazing land lease/permit or forest land grazing  
19 lease/permit.

20 SEC. 34. Approval of Application and Issuance of a Grazing Lease/Permit.

21 The application for grazing lease or permit which proposes  
22 the best use, as incorporated on a plan or program of utiliza-  
23 tion, development, management, protection, conservation and  
24 activity, consistent with national forestry policies and  
25 programs, shall be approved and a grazing lease or permit,  
26 shall be issued in favor of the applicant by the Director or  
27 the Minister, upon recommendation of the Director respectively:  
28 Provided, That the applicant thereof has also successfully  
29 proven that he has the financial and technical capability, not  
30 only to undertake the proposed utilization,



1 development or activity therein, but also the management, pro-  
2 tection, conservation and development of the grazing land or  
3 forest land so covered; Provided, further, That permits  
4 covering a period of not more than one year shall be approved  
5 by the Regional Director; Provided, finally, That the lease  
6 or permit shall not be issued unless the applicant complies  
7 with all prescribed requirements.

8 SEC. 35. Renewal or Extension.

9 No grazing land lease or forest land grazing lease or  
10 permit shall be renewed or extended unless an application  
11 therefor is filed at least sixty (60) days before its expira-  
12 tion. Immediately upon expiration of a lease, a provisional  
13 pasture permit shall be issued, with a term of one year,  
14 renewable for a term of one (1) year at any time, until such  
15 time that the lease is finally renewed.

16 The renewal or extension may be allowed if the utiliza-  
17 tion, development or activity authorized therein is still the  
18 best use and may therefore be continued without impairment or  
19 with the least injury to the other resources; Provided, That  
20 the holder thereof has complied with all the terms and con-  
21 ditions thereon and of any rule and regulation which may here-  
22 after be promulgated and that the area is not needed for any  
23 national interest.

24 SEC. 36. Rentals for the Use and Occupancy of Grazing Land and Forest  
25 Land for Grazing Purposes.

26 Lease agreement or permit for the use and occupancy of a  
27 grazing land or forest land shall only be issued upon payment

1 of the first year rental.

2 The annual rental for the use and occupancy of grazing  
3 and forest land used or grazing purposes is ONE PESO (P1.00)  
4 per hectare per year; Provided, That a fraction of a hectare  
5 shall always be considered as a hectare in the computation of  
6 rentals.

7 Failure to pay without justifiable cause the annual  
8 rental on or before January 2, of each year shall subject the  
9 lessee or permittee to a surcharge as follows:

10 Rental paid within January 2 to March 31 - 10% surcharge

11 Rental paid within April to June 30 - 20% surcharge

12 Rental paid within July 1 to September 31- 30% surcharge

13 Rental paid within October 1 to December 31-50%surcharge

14 Rentals paid one year after the due date, a surcharge of 100%  
15 per year shall be collected.

16 SEC. 37. Bonds.

17 No grazing land lease or forest land lease/permit shall  
18 be issued unless the applicant posts a bond in the amount of  
19 P15.00 for every hectare, applied for, P10.00 of which shall  
20 apply to stocking and P5.00 for reforestation; Provided, That  
21 the amount for stocking shall be reduced by P10.00 for every  
22 cattle placed in the area, registered with the municipal  
23 treasurer concerned and duly attested by the local district  
24 forester and the amount for reforestation shall be reduced  
25 proportionately to the total area to be reforested; Provided,  
26 further, That the bond shall not be reduced to less than  
27 P1,000.00 at any time.





1 communal grazing area, particularly on its development and  
2 forage improvement.

3 SEC. 42. Special Rules on the Use of Communal Grazing Lands.

- 4 (a) Communal grazing lands shall be used only for the  
5 grazing of livestock intended for domestic purposes;  
6 (b) The number of animals to be grazed in the area shall not  
7 exceed its grazing capacity;  
8 (c) Municipal officials are required to properly fence and cons-  
9 picuously place signs at the boundaries and corners of the  
10 communal grazing area;  
11 (d) Stray animals found in a communal grazing area, or in areas  
12 where they should not be, should be treated in accordance  
13 with municipal ordinance promulgated thereon;  
14 (e) The users of a communal grazing area shall help to put out  
15 fire within the communal grazing area or in any adjoining  
16 area;  
17 (f) All users of the communal grazing areas shall comply with  
18 all laws as well as with all regulations and orders relating  
19 to the marking and registration of livestock and the dis-  
20 posal of diseased and dead animals;  
21 (g) Proper precaution must be taken by the users of a communal  
22 grazing area to protect springs, watering places and salting  
23 ground; and  
24 (h) Large animals, yearlings and other allowed in the grazing  
25 area must be properly branded and registered while sheep  
26 and goat must carry identification tags or earmarks.

27 SEC. 43. Prohibited Acts within Communal Grazing Lands.

1                   The following acts are prohibited in communal grazing  
2 lands:

- 3           (a) Grazing in portions which are closed from grazing, either  
4                   permanently or temporarily, in order to protect valuable  
5                   young forest growth or to improve the range;  
6           (b) Construction of building of permanent character within  
7                   the communal grazing area;  
8           (c) Exclusive use of public trails, crossing or adjoining  
9                   the area, and placing obstruction to impede other users  
10                   thereof;  
11           (d) Gathering, cutting, collecting, harvesting and removing  
12                   forest products within the communal grazing area; and  
13           (e) Selling and leasing rights to graze in communal grazing  
14                   areas.

15       SEC. 44. Adverse Claim.

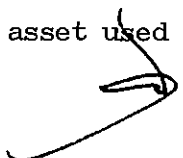
16                   Persons grazing animals in the communal grazing land shall  
17                   acquire no title or claim of any kind whatsoever to the land on  
18                   which the animals are grazed, nor shall such land be considered  
19                   to be occupied within the meaning of the Public Land Act.

20       SEC. 45. Disestablishment or Suspension.

21                   The Minister may disestablish the communal grazing land or  
22                   suspend grazing therein when due to over-grazing, the area re-  
23                   quires time to improve or replenish itself.

24       SEC. 46. Transfer, Sale or Assignment of Grazing Land Lease and Forest  
25                   Land Lease or Permits.

26                   A lease or permit or any right or interest therein, or any  
27                   asset used in connection therewith may be transferred, sold or



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1 assigned only upon approval by the Minister and recommendation  
2 of the Director.

3 Transfer, sale or assignment thereof may be allowed only  
4 after three (3) years from issuance thereof and only when it is  
5 shown that:

- 6 (a) The transferor, vendor or assignor has not violated any  
7 provision or Presidential Decree No. 705 as amended by  
8 PD 1559 and of this Order, or of any forestry rules and  
9 regulations which may hereafter be promulgated or any  
10 of the terms and conditions of the lease agreement or  
11 permit;
- 12 (b) The transferor, vendor or assignor has been faithfully  
13 complying with the terms and conditions of the lease  
14 agreement or permit;
- 15 (c) The transferee, vendee or assignee has all the qualifica-  
16 tions and none of the disqualifications to hold a lease  
17 agreement or permit;
- 18 (d) The transfer, sale or assignment is not being made for  
19 purposes of speculation;
- 20 (e) The transferee, vendee or assignee is agreeable and  
21 capable to assume all the obligations of the transferor,  
22 vendor or assignor; and shall present documentary evidence  
23 to prove such capability; and
- 24 (f) The transfer, sale or assignment is not being made to  
25 defraud creditors.

1 SEC. 47. Effect of Sale or Assignment.

2 The transferor and immediate members of his family shall  
3 forever be barred from acquiring a similar lease or permit.

4 SEC. 48. Assignment of Rights in Favor of Any Banking Institution.

5 a grazing land lease or forest land grazing lease or permit  
6 may be assigned in favor of a banking institution to serve as  
7 collateral for a loan; Provided, That the proceeds thereof shall  
8 be used exclusively for the utilization, development or activity  
9 authorized therein; Provided, further, That the banking ins-  
10 titution shall, in case of foreclosure, not have any right to  
11 exercise the privilege authorized in the lease agreement,  
12 except to dispose off the area as provided for under Forestry  
13 Administrative Order No. 52-A, Series of 1972.

14 SEC. 49. Transfer of Stock of Corporation.

15 No stockholder in a corporation holding a grazing land lease  
16 or forest land grazing lease or permit shall transfer his shares  
17 of stock without the approval of the Minister; Provided, That  
18 no transfer of stock shall be allowed if it will change the  
19 citizenship structure in violation of the Constitution or any  
20 national policy on foreign investment; Provided, further, That  
21 no transfer of stock shall be allowed if it will allow the  
22 corporation to be owned, controlled or managed by persons or  
23 groups of persons disqualified to exercise the privilege therein  
24 granted or who are incapable of sound forest management, protection,  
25 conservation and development in the process of utilization.

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1 SEC. 50. Transfer Upon the Death of the Lessee or Permittee.

2 Upon application filed within 60 days after the death of  
3 the holder of a grazing land lease or forest land grazing lease or  
4 permit, the surviving heirs may succeed thereto; Provided, That  
5 they are qualified to hold a lease or permit and capable and  
6 willing to assume the obligation of the deceased.

7 SEC. 51. Evaluation of Grazing Lessees and Permittees.

8 The performance of grazing permittees shall be reviewed and  
9 evaluated annually, while grazing lessees at every three(3)  
10 years, or as often as the Minister may instruct, in order to  
11 determine compliance with the requirements of protection and  
12 management of the area.

13 Evaluation shall be conducted by a competent forest officer  
14 duly designated for the purpose by the Regional Director or District  
15 Forester concerned. The evaluation shall be made in the presence  
16 of the permittee/lessee or his representative and the report sub-  
17 mitted for analysis by the Central Office within thirty (30) days  
18 after the completion of the field inspection.

19 SEC. 52. Action Taken on the Evaluation.

20 Timely corrective measures shall be effected on the defi-  
21 ciencies noted during the evaluation to accomplish the objectives  
22 and goals set in approved programs.

23 SEC. 53. Authority to Investigate.

24 The Minister or the Director or his authorized representative  
25 shall have the power and authority to conduct ocular inspection  
26 of the area covered by Grazing Land Lease/Permit and Forest Land  
27 Grazing Lease/Permit and investigate any privileged holder to

1 determine whether said holder has complied with the provisions  
2 of Presidential Decree No. 705, as amended, and the rules and  
3 regulations promulgated thereunder. For this purpose, the  
4 Minister or the Director or his authorized representative shall  
5 have the power and authority to interview, investigate and summon  
6 witnesses, hear and take their statements, declarations and testi-  
7 monies under oath.

8 SEC. 54. Grounds for Cancellation, Grazing Land Lease/Permit and Forest  
9 Land Grazing Lease/Permit, (Imposition of Fines and other Penalties).

10 After due notice and hearing, a Grazing Land Lease/Permit  
11 and Forest Land Grazing Lease/Permit issued by the Minister or  
12 Director may be cancelled or the lessee/permittee fined,  
13 depending upon the gravity of the offense or effect on the  
14 management of forest land and resources, on any of the following  
15 grounds:

- 16 (1) If the privilege was obtained through fraud, misrepresenta-  
17 tion or omission of material fact existing at the time  
18 of the filing of the application;
- 19 (2) Failure of the privilege holder to pay and/or settle any  
20 forestry account, such as lease and permit fees, and  
21 rentals after a period of two years from due date, or  
22 violation of any of the provisions of the National Internal  
23 Revenue Code relating to such privilege;
- 24 (3) Violation of any of the terms and conditions of, or failure  
25 to comply with or perform the obligations imposed in the  
26 lease agreement or permit, or pertinent laws, decrees,  
27 letters of instructions and policies affecting the exercise

1 of the privilege granted therein, or any of the provisions  
2 of this Order;

3 (4) Failure of the privilege holder to inform the Bureau of any  
4 such violations, or any act detrimental to the protection  
5 and management of the affected grazing land or forest land  
6 within a period of one (1) month from knowledge thereof;

7 (5) Failure to secure the approval of the Minister or Director  
8 of any transaction affecting or involving the privilege;

9 (6) Conducting an operation in violation of a duly-approved  
10 management or operation plan, or beyond the area covered  
11 the privilege;

12 (7) Failure to provide the necessary protection of the area;

13 (8) Failure to provide management and development over the  
14 grazing land or forest land area covered by the privilege  
15 granted in his favor as provided for in his duly-approved  
16 management plan;

17 (9) Abandonment of the area, or failure to exercise a privilege  
18 granted within the prescribed period of four (4) months  
19 from the issuance of the lease/permit without justifiable  
20 cause;

21 (10) An adverse claimant has proven by substantial evidence  
22 that the land covered by the lease/permit is rightfully  
23 owned by him;

24 (11) An adverse claimant has proven by substantial evidence  
25 that he has prior rights to apply for the land covered by  
26 the lease/permit;



1 (12) Failure to reforest the portion required in the lease  
2 agreement to be reforested within the prescribed period  
3 and following the schedule proposed in the approved range  
4 management plan;

5 (13) When national interest so requires.

6 ✓ SEC. 55. Evidence.

7 The cancellation or suspension shall be based on evidence  
8 that may be obtained in an investigation or hearing which the  
9 Minister or Director may order to be conducted, motu proprio  
10 or upon petition, or upon reliable and incontrovertible evi-  
11 dence, such as the records of the Bureau showing non-payment  
12 of rentals, which the respondent cannot dispute or contest  
13 even if fully heard.

14 If, during the hearing in any of the aforesaid adver-  
15 sary proceedings, or during the investigation or hearing con-  
16 ducted at the instance of the Minister or Director, a prima  
17 facie ground for cancellation or suspension arises, he may  
18 order the suspension of the grazing land lease or forest  
19 land grazing lease or permit even before the holder thereof  
20 presents his defense.

21 SEC. 56. Order of Cancellation: Executory Upon Promulgation.

22 The order of cancellation by the Minister or Director  
23 promulgated pursuant to the provisions of this Order shall be  
24 immediately executory upon the promulgation.

25 The order of cancellation of any lease or permit as  
26 provided for in these rules and regulations shall carry with  
27 it the forfeiture of the bond or deposit, if any, including  
28 the improvements thereon in favor of the government without  
29 prejudice to criminal prosecution under the applicable pro-  
30 visions of the Revised Penal Code. Furthermore, the lessee/  
31 permittee shall forever be barred from availing of the  
32 privilege granted under Presidential Decree No. 705, as  
33 amended, and of these rules and regulations.

1        SEC. 57. Adverse Claim.

2                    Any person who believes himself to be the owner of the  
3        land subject to an application for the issuance of forestry  
4        license, permit, etc., or who claims, to have prior right to  
5        apply for the same shall, before the lapse of six months after  
6        the issuance of said license, permit, lease or private wood-  
7        land certificate, file in writing and under oath his objection to  
8        the application whether in the Office of the Director in Manila  
9        or with the Regional Director in the province where the land  
10       is situated, stating therein clearly the rights he claims to have,  
11       the grounds on which his claim is based, and submitting in  
12       support thereof written sworn declaration of at least two  
13       creditable witnesses, and his muniments of title, if any, or  
14       certified copies thereof, and such other documents which he may  
15       care to present: Provided, That in case the Director shall be  
16       officially notified of a claim to any public forest land, the  
17       adversed claimant shall be given a period of not less than thirty  
18       (30) days nor more than ninety (90) days within which to file  
19       the protest in due form; copy or copies of which shall be fur-  
20       nished by the claimant to the other parties in interest at the  
21       same time, protests filed after the date herein specified and  
22       not in the manner herein indicated shall not be considered.

23       SEC. 58. Conflict.

24                    A forest land permittee or licensee who believes that  
25        another permittee or licensee or any other person is en-  
26        croaching upon the land applied for by him shall report the  
27        matter to the Director or the Regional Director concerned with-  
28        in ninety (90) days after the alleged encroachment commenced;  
29        otherwise, his complaint shall not be considered.

30       SEC. 59. Investigation of Claims and Conflicts.

31                    Adverse claims when properly asserted and reports of  
32        conflicts received within the time specified in the next  
33        preceding Section, shall be caused to be investigated, if this

1 has not yet been done, by the Director. The investigation shall  
2 be made whenever possible on the very ground and after both parties  
3 have been advised of the hour and date when and the place where it  
4 will be held, and of the nature of the case. The notice of the  
5 investigation shall be served upon them at least one week before the  
6 date set for the investigation.

7 SEC. 60. Report of Investigation.

8 Among other material things, the report of investigation shall  
9 state (a) as to who is in the actual possession of the land in  
10 controversy; (b) since when and how its occupant obtained possession  
11 thereof; (c) whether the occupant, if a licensee or permittee, is  
12 utilizing the area occupied under the terms and conditions of the  
13 license or permit; (d) since when and to what extent the licensee  
14 or permittee is utilizing the forest resources of the area occupied  
15 by him; (e) what improvements are found on the land; (f) of what  
16 do they consist; (g) in about what year they were introduced or  
17 made and by whom; and (h) what muniments of title thereto, if any,  
18 has each of the claimants or occupants. There shall be attached to  
19 the report a sketch showing (1) the dimension of the land, (2) the  
20 relative position of each claim, and (3) its physical condition.  
21 The report shall also be accompanied with copies of the notice sent  
22 to the parties evidencing their receipts of the original thereof  
23 as well as with the declaration of the portion and their respective  
24 witnesses who testified during the investigation and with other  
25 papers relevant thereto, such as documentary evidence, etc.

1 SEC. 61. Protest.

2 A protest under oath may be filed by any person who has reason  
3 to believe that an applicant is disqualified, not deserving of or not  
4 entitled to the issuance of a lease agreement or permit, without  
5 the protestant himself having any interest in the area, of the  
6 utilization, development or activity applied for.

7 No protest shall be entertained after the approval of an  
8 application and unless accompanied by documents and/or affidavits  
9 of witnesses to support the ground therefor.

10 SEC. 62. Complaint.

11 A complaint under oath may be filed by any person who has  
12 a right or interest which is being violated by the exercise of a  
13 privilege under a lease agreement or permit.

14 No complaint shall be entertained unless accompanied by  
15 proof of the existence of such right or interest and the fact of  
16 violated, which may consist of documents or affidavits of  
17 witnesses.

18 SEC. 63. Petition.

19 Any person who believes that the holder of a lease agreement  
20 or permit is violating the terms thereof, or any provision of  
21 Presidential Decree No. 705 as amended by PD 1559 or this Order,  
22 or any law, rules and regulation of the Bureau may file a petition  
23 for its cancellation, suspension or the imposition of any penalty  
24 or fine. The petition shall be accompanied by documents and/or  
25 affidavits of witnesses showing the alleged violation.

1 SEC. 64. Form.

2 An adverse claim, protest, complaint, or petition shall be  
3 verified and shall contain the name and address of the respondent,  
4 and the ultimate facts and the grounds relied upon to support  
5 the adverse claim, protest, complaint or petition.

6 SEC. 65. Docket Fee.

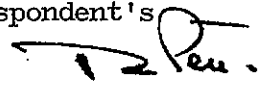
7 Adverse claims and complaints shall be accompanied by the  
8 docket fee of fifty (P50.00) pesos.

9 SEC. 66. Filing.

10 An adverse claim, protest, complaint or petition shall be  
11 filed in triplicate with the Central Office of the Bureau or its  
12 regional or district office having jurisdiction over the area  
13 involved. If the Director finds the adverse claims, protest,  
14 complaint or petition to be without merit, he may motu proprio  
15 dismiss the same. If the Director or Regional Director finds that  
16 the adverse claim, protest, complaint or petition is in due form  
17 and contains a valid cause of action, he shall furnish a copy to  
18 the respondent and require him to answer it within ten (10) days  
19 from receipt thereof. The Director or Regional Director may,  
20 however, require a preliminary examination to determine if prima  
21 facie evidence exists to support a cause of action against a res-  
22 pondent before requiring the latter to answer.

23 SEC. 67. Answer.

24 The answer shall contain admissions, admissions with quali-  
25 cations, and denials of the ultimate facts alleged in the ad-  
26 verse claim, protest, complaint or petition, respondent's



1 affirmative allegations and defenses, and his petition on the  
2 ground raised in support of the adverse claim, protest, or  
3 complaint.

4 The answer shall be accompanied by supporting documents  
5 affidavits of witnesses. It shall also be verified and filed  
6 in triplicate in the Office where the adverse claim, protest,  
7 complaint or petition was entertained. It shall be accompanied  
8 with proof of service of a copy thereof upon the adverse  
9 claimant/protestant/complainant/petitioner.

10 SEC. 68. Default.

11 If the respondent fails to file his answer within the pres-  
12 cribed period, the Director or the Regional Director motu proprio  
13 or upon motion of the adverse claimant, protestant, complainant or  
14 petitioner, may declare the respondent in default, and thereupon  
15 allow the reception of evidence exparte.

16 SEC. 69. Decision.

17 The Director shall promulgate decisions on adverse claims,  
18 protests, complaints, and petitions: Provided, That the Ministry  
19 may entertain adverse claims, protests, complaints or petitions,  
20 and cause the investigation thereof either by the Bureau, ~~The~~  
21 Ministry's Legal Service or any committee that he may create or  
22 authorize, in which event, the decision shall be promulgated by  
23 him; unless the referral of the investigation or examination to  
24 the Bureau also authorized the Director to decide the same.

25 SEC. 70. Judgement on the Pleadings.

26 Where the answer fails to tender an issue or admits the

1 essential allegations of the adverse claim/protest/petition/  
2 complaint, the Director may motu proprio, or on motion of the  
3 adverse claimant, protestant, complainant, or petitioner or of  
4 both parties, render judgement based on the pleadings.

5 SEC. 71. Preliminary Hearing.

6 After the answer is filed, the Director shall direct the  
7 parties with right to counsel if they so desire, to appear before  
8 him or his authorized representative at a specified time and  
9 place for preliminary hearing to consider:

- 10 a. The possibility of amicable settlement: Provided, That  
11 interest of the Bureau in its management of forest  
12 lands is not prejudiced;
- 13 b. Simplification of the issues;
- 14 c. Necessity of amendments to the pleadings;
- 15 d. Stipulation or admission of facts and documents to  
16 avoid unnecessary proof: Provided, That facts relating  
17 to the physical condition or situation of a forest or  
18 grazing land shall be subject to further verification of  
19 the Bureau if they so warrant;
- 20 e. Limitation on the number of witnesses; and
- 21 f. Such other matters as may aid in the prompt disposition  
22 of the case.

23 SEC. 72. Effect of Failure of Parties to Appear During a Preliminary  
24 Hearing.

25 A party who fails to appear during a preliminary hearing  
26 may be non-suited or declared in default.

1 SEC. 73. Order After Preliminary Hearing.

2 After the preliminary hearing, the Director shall make an  
3 order which recites the action taken at the said hearing, the  
4 amendments allowed to the pleadings, and the agreements made by the  
5 parties as to any of the matters considered.

6 Such Order shall already define the issues left for hearing  
7 or reception of evidence: Provided, That the Director, motu  
8 proprio or upon motion, include such other issues as may be  
9 needed to prevent a manifest injustice.

10 SEC. 74. Judgement After Preliminary Hearing.

11 If at the preliminary hearing, the Director finds that  
12 sufficient facts exist for a decision on the merits, he shall  
13 render a summary judgement.

14 SEC. 75. Hearing and the Merits.

15 Within ten (10) days after the issue are joined, the hearing  
16 of the case shall be completed in one sitting if possible or in  
17 a number or successive sittings which in no case shall last more  
18 than five (5) days, to be conducted by a duly authorized represen-  
19 tative of the Director. Said representative shall, within fifteen  
20 (15) days after the hearing, submit a detailed report thereon  
21 to the Director together with his recommendations.

22 SEC. 76. Dismissal of Adverse Claims, Protests, Complaints,  
23 or Petitions.

24 If the adverse claimant, protestant, complainant, or petitioner  
25 fails to appear at the time of the hearing or to prosecute his case  
26 within a reasonable length of time or to comply with these rules  
27 or any order of the Director, the case may be dismissed upon



1 motion of the respondent or motu proprio by the Director.

2 SEC. 77 Decision or Order of the Bureau.

3 The decision or order of the Director or the Officer  
4 acting for and by authority of the Director, shall become final  
5 and executory after thirty (30) days from receipt thereof by the  
6 aggrieved party, unless it is seasonably appealed to the Minister  
7 pursuant to MNR Administrative Order No. 1.

8 SEC. 78. No Motion for Reconsideration.

9 No motion for reconsideration of the decision or order of the  
10 Director or of the Officer acting for and by authority of the  
11 Director, shall be entertained. However, any motion for reconsi-  
12 deration shall be treated as an appeal to the MNR pursuant to  
13 Administrative Order No. 1, subject to an appeal fee provided for  
14 in Sec. 79.

15 SEC. 79. Appeal.

16 The appeal shall be perfected by filing a notice of appeal  
17 with, and paying an appeal fee of FIFTY PESOS (P50.00) to the  
18 Bureau, and by filing an appeal memorandum with the Minister con-  
19 taining a detailed statement of the facts relied upon and an  
20 exhaustive discussion of the issues and the grounds for the  
21 appeal. It shall be accompanied by a copy of the decision or  
22 order appealed from and furnishing a copy of such notice of  
23 appeal and appeal memorandum to the appellee.

24 SEC. 80. Dismissal.

25 The Minister may motu proprio or upon petition of the appellee  
26 which shall be filed within five (5) days from receipt of a copy  
27 of the appeal memorandum, dismiss the appeal on the ground that

1 it is without merit or is prosecuted manifestly for delay, or  
2 that the question raised therein are too unsubstantial to require  
3 consideration, or for any valid ground.

4 SEC. 81. Due Course.

5 If he finds a prima facie merit in the appeal, the Minister  
6 shall require the appellee to file an answer to the appellant  
7 appeal memorandum within a period of not less than five (5) days.

8 The Minister may likewise order the Director or Officer  
9 who rendered the decision or issued the order appealed from to  
10 transmit the records of the case within five (5) days from  
11 receipt of such order, and may further require the Director to  
12 comment on the appeal.

13 SEC. 82. Stay of Execution, Execution Pending Appeal.

14 The execution of the decision or ordered appealed from shall  
15 be automatically stayed upon the perfection of an appeal.

16 The Minister may, for meritorious grounds, order the execution  
17 of such decision or order pending resolution of the appeal upon  
18 the filing of sufficient bond, and under such terms or condition  
19 he may deem proper to impose.

20 SEC. 83. Finality of the Decision of the Minister.

21 The decision of the Minister shall become final and execu-  
22 tory after the lapse of thirty (30) days from receipt by the  
23 aggrieved party of a copy of said decision, unless appealed to the  
24 President in accordance with Executive Order No. 19, Series of  
25 1966.

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History Application of the Rules of Court.

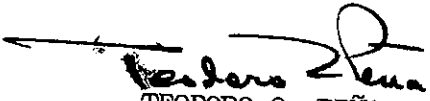
The rules of court shall apply when not inconsistent with the provisions of this Order.

SEC. 85. Repealing Clause.

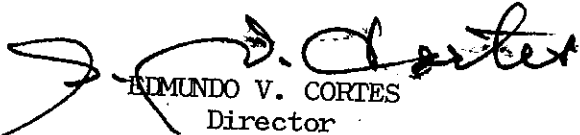
This Order supercedes, in whole or in part, all orders, rules, circulars and memorandum orders which are inconsistent with the above.

SEC. 86. Effectivity.

This Order shall take effect fifteen (15) days after publication in the Official Gazette and/or any newspaper of general circulation.

  
TEODORO Q. PEÑA  
Minister

APPROVED BY:

  
EDMUNDO V. CORTES  
Director  
Bureau of Forest Development