



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;
929-66-33 to 35; 292-70-41 to 43
Voice-Over-Internet-Protocol (VOIP) Trunkline (632) 755-3330; (632) 755-3300
Website: <http://www.denr.gov.ph> E-mail: web@denrgov.ph

SEP 15 2020

URGENT MEMORANDUM

TO : All Regional Executive Directors
All Bureau Directors

FROM : The Undersecretary
Legal, Administration, Finance, Human Resources, and Information Systems

SUBJECT : IMPLEMENTATION OF DENR ADMINISTRATIVE ORDER (DAO) NO. 2020-05


In connection with the issuance of DENR Administrative Order (DAO) No. 2020-05 dated 07 February 2020 on the *Approving Authorities on Decisions, Resolutions, and Orders on Appealed Environment and Natural Resources Cases, Administrative Cases, and Filing Before Courts and Quasi-Judicial Bodies*, the following are clarifications on the above subject:

1. The intention of the DAO, as clearly stated in the first paragraph, is to delineate the functions of officials, as approving authorities, only in the Central Office between the Undersecretary, Assistant Secretary, and Director handling legal matters. Hence, any function already exercised by or delegated to the Regional Executive Director (RED) or Bureau Director is not affected by the said DAO.
2. With regard to cases filed by or against the DENR before the courts or quasi-judicial bodies, such as the signing of Verifications, Certifications on Non-Forum Shopping, as well as Special Power of Attorneys, such cases refer only to actions involving the DENR Central Office as Plaintiff or Petitioner, or as Defendant or Respondent. Such cases do not cover the DENR Regional Office or Bureau which will act as the Plaintiff or Petitioner, or as Defendant or Respondent, or cases required to be handled by the said Regional Office or Bureau.
3. On administrative complaints and cases, the DAO does not also exclude the RED or Bureau Director from issuing memoranda to conduct investigations, and show cause memoranda as part of preliminary investigation or fact-finding investigation requiring the person/s complained of, like the Division Chiefs, PENR Officers, and CENR Officers, as examples, in the Regional Office or Bureau, Provincial or Community Office, requiring the submission of a sworn comment or counter-affidavit in response to complaint/s pursuant to Rule 4 of the *Civil Service Commission (CSC) Resolution No. 1701077, otherwise known as the 2017 Rules on Administrative Cases in the Civil Service (RACCS)*, and Sections 47 (3) and 48 (1), Chapter 7, Subtitle A, Title I, Book V of the *Administrative Code of 1987*. It must be emphasized that the limitation on the power of the RED or Bureau Director is the issuance of a formal charge and imposition of an administrative penalty, and not the conduct of preliminary investigations, against a high ranking officer in the

Department, whether or not a Presidential Appointee, which belong only to the Department Secretary or the President of the Republic of the Philippines, as the case may be, pursuant to the aforementioned provisions of the Administrative Code of 1987 and *DENR Memorandum Circular (DMC) No. 2010-18*.

4. Finally, as regards the conduct of Alternative Dispute Resolution (ADR) on land cases, specifically on the issuance of Orders on Compromise Agreements, these cases refer to ADR conducted by the DENR Central Office at its own instance or in the exercise of its appellate jurisdiction. Consequently, any ADR conducted in the CENR, PENR or Regional Office/Bureau will not affect the function of the PENR Officer, RED, and Director for Land Management Bureau (LMB) from issuing the necessary Order on Compromise Agreement pursuant to Section 31 of DAO No. 2016-30 on the *Guidelines in the Conduct of ADR in Land Management and Disposition*.

For your information and guidance.


ATTY. ERNESTO D. ADOBO, JR., CESOI



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FEB 07 2020

DENR ADMINISTRATIVE ORDER
NO. 2020 - 05

SUBJECT : APPROVING AUTHORITIES ON DECISIONS, RESOLUTIONS, AND ORDERS ON APPEALED ENVIRONMENT AND NATURAL RESOURCES CASES, ADMINISTRATIVE CASES, AND FILING BEFORE COURTS AND QUASI-JUDICIAL BODIES

In the interest of the service, and in order to delineate the functions of the Undersecretary, Assistant Secretary, and Director covering legal matters, the following shall be the approving authorities:

DOCUMENT	APPROVING AUTHORITY
Appealed cases on lands, forestry, mining, environmental management, and biodiversity, from the decisions, resolutions, orders, or awards and related issuances of the Regional Executive Directors, Bureau Directors, Heads of Attached Agencies of the DENR, and Boards over which the Secretary has appellate jurisdiction <ul style="list-style-type: none">- Decisions based on merits of the case- Resolutions on Motions for Reconsideration (MRs) reversing the main decision of the Secretary or the official with delegated authority	Undersecretary for Legal
Administrative complaints and cases before the Office of the Secretary: <ul style="list-style-type: none">- Formal charges- Preventive suspension orders- Orders lifting the preventive suspension- Decisions and resolutions imposing administrative penalties- Show-Cause Memoranda to third level officials	
Cases filed by or against the DENR before courts and quasi-judicial bodies <ul style="list-style-type: none">- Verifications- Certifications of Non-Forum Shopping- Issuance of Special Powers of Attorney	Undersecretary for Legal/ Assistant Secretary for Legal Affairs
Appealed cases on lands, forestry, mining, environmental management, and biodiversity, from the decisions, resolutions, orders, or awards and related issuances of the Regional Executive Directors, Bureau Directors, Heads of Attached Agencies of the DENR, and Boards over which the Secretary has appellate jurisdiction <ul style="list-style-type: none">- Decisions based on procedural technicalities	

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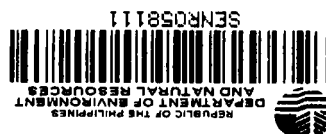
DOCUMENT	APPROVING AUTHORITY
<ul style="list-style-type: none"> - Resolutions on Motions for Reconsideration (MRs) affirming the main decision of the Secretary or the official with delegated authority 	
Administrative cases and complaints <ul style="list-style-type: none"> - Decisions, Resolutions, and Orders dismissing administrative cases and complaints against third level officials who are non-presidential appointees, and officers appointed or designated as PENR and CENR Officers - Show-cause Memoranda to PENR Officers and CENR Officers 	
Conduct of ADR on Land Cases <ul style="list-style-type: none"> - Orders on Compromise Agreements 	
Memoranda to conduct investigation involving administrative complaints and appealed ENR cases	
Appealed ENR Cases <ul style="list-style-type: none"> - Interlocutory Orders - Remanded Cases 	
Administrative cases and complaints <ul style="list-style-type: none"> - Interlocutory Orders on administrative cases - Decisions, Resolutions, and Orders dismissing administrative cases and complaints against first and second level personnel - Show-cause Memoranda to first and second level personnel 	Assistant Secretary for Legal Affairs/ Director for Legal Affairs Service

This Order supersedes all other inconsistent orders and circulars.

This Order shall take effect fifteen (15) days 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), UP Law Center.



ROY A. CIMATU
 Secretary



PUBLICATION: DAILY TRIBUNE
 May 23, 2020

ACKNOWLEDGEMENT: U.P. LAW CENTER
 June 4, 2020