



**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
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28 SEP 2020

**MEMORANDUM**

**FOR :** The Undersecretary for Field Operations and Environment  
The Undersecretary for Enforcement, Mining and Muslim Affairs  
The Director, Legal Affairs Service  
The Director  
Biodiversity Management Bureau  
Ecosystems Research and Development Bureau  
Environmental Management Bureau  
Forest Management Bureau  
Land Management Bureau  
Mines and Geosciences Bureau

**FROM :** The OIC, Director  
Policy and Planning Service

**SUBJECT :** **SUMMARY OF AGREEMENTS DURING THE 3<sup>RD</sup> MEETING OF THE TECHNICAL WORKING GROUP (TWG) ON THE CODIFICATION OF MAJOR ENVIRONMENT AND NATURAL RESOURCES (ENR) LAWS AND POLICIES**

With regard to the conduct of the 3<sup>rd</sup> Technical Working Group (TWG) Meeting on the Codification of Major Environment and Natural Resources (ENR) Laws and Policies held on September 16, 2020, please take note of the following agreements:

1. For the MGB to:
  - Clarify the proposed inclusion of “offshore water resources” in Section 1 of the draft policy, and whether this includes coastal and marine resources.
  - Submit revision/inputs to the section regarding Sustainable Mining. The contents should be related to Chapter III’s subject matter which is conservation and protection.
2. The proposal to revise the section regarding the prohibition of mining operations in certain areas was not adopted since the same was lifted from EO No. 79 which is a Presidential issuance. Nevertheless, it was agreed that the heading of the section will be revised as suggested.
3. For the BMB and Legal Affairs Service to submit position/comment on the proposal of the MGB to revise the section pertaining to Prohibition on Extraction of Resources inside Protected Areas (PAs). According to the MGB, exploration and prospecting activities inside PAs are currently allowed.
4. For the FMB to:
  - Rephrase/revise the contents of the section pertaining to Removal of Trees for Infrastructure Projects, taking into account Memorandum Order No. 2012-02.
  - Provide a definition or description for Special Land Use Permit (SLUP)
5. For the LMB to provide a definition of the term “Foreshore”
6. For the Legal Affairs Service to review the Chapter on Law Enforcement

7. For the Office of the Undersecretary for Enforcement, Mining and Muslim Affairs to provide additional inputs to the Chapter on Law Enforcement.
8. For the PPS-PSD to:
  - Cite Article XII of the Philippine Constitution and EO No. 5, series of 2016 as legal bases in the prefatory statement
  - Incorporate a section on Definition of Terms. Include therein "Community Based Forest Management Agreement", "Foreshore", "Forestland", etc.
  - Revise the section regarding the Prohibition on Cutting of Mangroves. It should be categorically stated that cutting of mangroves is prohibited pursuant to RA 7161.
  - Check whether the provisions of PD 705, as amended cited in the draft policy, particularly in the section regarding Forest Protection are consistent with the amendments of said law.
  - Cite the specific provision of PD 1067 or the Water Code regarding easements in the section pertaining to Prohibition on the Establishment of Permanent Structures in Foreshore Areas and the Adjoining Salvage Zones.
  - Include a section pertaining to Buffer Zones.
  - Delete the section on Forestland, and include this in the Definition of Terms
  - Retain the provision regarding Gratuitous Special Use Permit in forestland
  - Check the accuracy of the date cited as the effectivity of RA 6940, i.e., April 15, 1990 in the provision regarding Free Patent
  - Change the section number of DENR-DA-PCSD JAO No. 2004-1 cited in the section pertaining to Establishment of Critical Habitats
  - Include the requirements, ownership limitations pertaining to patents, and policy references for the other sections/sub-sections regarding lands.
  - Revise the draft policy based on all other comments/suggestions agreed upon
9. All other Bureaus that have not provided comments on the draft policy shall officially submit their inputs on or before September 18, 2020. They shall present and discuss their inputs during the next TWG meeting.
10. The PPS-PSD will provide a copy of the revised draft DAO to the TWG members for further comment prior to the 4<sup>th</sup> TWG Meeting.
11. The 4<sup>th</sup> TWG Meeting will be conducted a week after the 3<sup>rd</sup> TWG Meeting.
12. In view of the recent changes in the designations of DENR officials, representatives from the Office of the Undersecretary for Field Operations and Environment and the Office of the Undersecretary for Enforcement, Mining and Muslim Affairs will both be invited to the next TWG meetings.

Also attached is a copy of the Notice for the 4<sup>th</sup> TWG Meeting, to be held on October 2, 2020 (Friday), 9:00 AM via Google Meet.

For your information and appropriate action.

  
MELINDA C. CAPISTRANO