



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
Website: <http://www.denr.gov.ph> / E-mail: web@denrgov.ph

NOTICE OF MEETING

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

DATE / TIME: October 2, 2020 (Friday) / 9:00 AM

VENUE : PPS Conference Room and Videoconference via Google Meet

AGENDA : **4TH MEETING OF THE TECHNICAL WORKING GROUP (TWG) ON THE CODIFICATION OF MAJOR ENVIRONMENT AND NATURAL RESOURCES (ENR) LAWS AND POLICIES**

In line with Special Order No. 2019-671 issued on September 18, 2019, and in order to continue with the review of the draft administrative ENR Code, may we invite your personnel concerned to the 4th TWG Meeting to be held on October 2, 2020 (Friday), 9:00 AM through the videoconferencing application Google Meet. The link will be provided to your staff days prior to the meeting. Attached for your perusal is a copy of the draft administrative ENR Code which was revised based on the comments/agreements during the 3rd TWG Meeting. The revisions were highlighted in yellow color.

Your Office's support and participation in this undertaking is highly appreciated. For inquiries, your staff may coordinate with the Policy Studies Division through telephone number 8925-1183/IP number 1086, or through electronic mail at psddivision@gmail.com.


MELINDA C. CAPISTRANO



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DENR ADMINISTRATIVE ORDER
NO. 2020 - _____

SUBJECT : ENVIRONMENT AND NATURAL RESOURCES (ENR) CODE

Pursuant to Article XII of the 1987 Philippine Constitution, Executive Order (EO) No. 192, series of 1987 or the Reorganization Act of the DENR, EO No. 5, series of 2016 which approves and adopts the twenty-five-year long term vision entitled "Ambisyon Natin 2040", and in order to provide streamlined environment and natural resources policies, rules and regulations, the Environment and Natural Resources (ENR) Code is hereby promulgated.

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Declaration of Policy. It is the policy of the State to ensure the sustainable use, development, management, renewal, and conservation of the country's forest, mineral, land, offshore and water resources, and other natural resources, including the protection and enhancement of the quality of the environment, and equitable access of the different segments of the population to the development and use of the country's natural resources, not only for the present generation but for future generations as well. It is also the policy of the state to recognize and apply a true value system including social and environmental cost implications relative to the utilization, development and conservation of our natural resources.

SECTION 2. Objectives. This Order aims to provide streamlined environment and natural resources policies, rules and regulations, in order to improve compliance, address conflicting issuances, promote transparency, and ensure uniformity of implementation. This is also envisioned to serve as a guide to the general public on the management, utilization, development, conservation, and protection of the environment and natural resources.

SECTION 3. Scope and Coverage. This Order shall cover the management, utilization, development, conservation, protection, research, development and extension, and enforcement of laws on environment and natural resources.

SECTION 4. Definition of Terms. As used in this Order, the following terms shall be defined as follows:

- 4.1. **Alienable and disposable (A&D) lands** – lands of the public domain classified as agricultural that may be acquired through grant or confirmation of title. (DAO 2010-12)
- 4.2. **Biodiversity** – biological diversity or biodiversity refers to the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this

- 42 includes diversity within species, between species and of ecosystem. (DAO 2019-
43 05)
- 44 4.3. **Department of Environment and Natural Resources (DENR)** – the primary
45 government agency responsible for the conservation, management, development
46 and proper use of the country’s environment and natural resources, specifically
47 forest and grazing lands, mineral resources, including those in the reservation and
48 watershed areas, and lands of the public domain, as well as the licensing and
49 regulation of all natural resources as may be provided by law in order to ensure
50 equitable sharing of the benefits derived therefrom for the welfare of the present
51 and future generations of Filipinos. (EO 192)
- 52 4.4. **Ecosystem** – dynamic complex of plant, animal, and micro-organism
53 communities, and their non-living environment, interacting as a functional unit.
54 (DAO 2019-05)
- 55 4.5. **Environment** – surrounding air, water (both ground and surface), land, flora,
56 fauna, humans and their interrelations. (DAO 2003-30)
- 57 4.6. **Environmental impact assessment** – a process that involves evaluating and
58 predicting the likely impacts of a project (including cumulative impacts) on the
59 environment during construction, commissioning, operation and abandonment. It
60 also includes designing appropriate preventive, mitigating and enhancement
61 measures addressing these consequences to protect the environment and the
62 community’s welfare. The process is undertaken by, among others, the project
63 proponent and/or EIA Consultant, DENR-Environmental Management Bureau
64 (EMB), a Review Committee, affected communities and other stakeholders.
65 (DAO 2003-30)
- 66 4.7. **Foreshore lands** – the part of the shore which is alternately covered and
67 uncovered by the ebb and flow of the tide. (DAO 2004-24)
- 68 4.8. **Forest lands** – lands of the public domain comprising of the public forest, the
69 permanent forest or forest reserves, and forest reservations. (DAO 2004-28)
- 70 4.9. **Mangrove** – a term applied to the type of forest occurring on tidal flat along the
71 sea coast, extending along streams where the water is brackish. (PD 705, as
72 amended)
- 73 4.10 **Minerals** – all naturally occurring inorganic substance in solid, gas, liquid, or any
74 intermediate state excluding energy materials such as coal, petroleum, natural gas,
75 radioactive materials, and geothermal energy. (RA 7942)
- 76 4.11. **Mineral lands** – any area where mineral resources are found (DAO 2010-21)
- 77 4.12. **Protected areas** – identified portions of land and/or water set aside by reason of
78 their unique physical and biological diversity and protected against destructive
79 human exploitation. (RA 11038)
- 80 4.13. **Water resources** – are sources of, usually fresh, water that are useful, or
81 potentially useful to society, for instance for agricultural, industrial or recreational
82 use. Examples include groundwater, rivers, lakes and reservoirs. (nature.com)
- 83 4.14. **Watershed** – a land area drained by a stream or fixed body of water and its
84 tributaries having a common outlet for surface run-off. (PD 705, as amended)

85 4.15. **Wildlife** – wild forms and varieties of flora and fauna, in all development stages,
86 including those which are in captivity or are being bred or propagated. (RA 9147)

87 **CHAPTER II**
88 **ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT**

89 **SECTION 5. Land Classification, Sub-Classification and Survey.** The President,
90 upon recommendation by the Secretary of the Department of Environment and Natural
91 Resources (DENR) shall from time to time make the classifications of lands of the public
92 domain, and may, at any time and in a similar manner, transfer lands from one class to another,
93 except those already classified, the reclassification of which is through an Act of Congress.
94 (Section 9, CA 141, as amended). The DENR Secretary shall study, devise, determine and
95 prescribe the criteria, guidelines and methods for the proper and accurate classification and
96 survey of all lands of the public domain (Section 13, PD 705, as amended). (Note: The
97 reclassification is suspended until Congress defines the final forest line. However,
98 classification of unclassified lands may still be undertaken).
99

100 The DENR Secretary shall simplify through inter-bureau action the present system of
101 determining which of the unclassified lands of the public domain are needed for forest purposes
102 and declare them as permanent forest to form part of the forest reserves. He/she shall decree
103 those classified and determined not to be needed for forest purposes as alienable and disposable
104 lands, the administrative jurisdiction and management of which shall be transferred to the Land
105 Management Bureau (LMB): Provided, That mangrove and other swamps not needed for shore
106 protection and suitable for fishpond purposes shall be released to, and be placed under the
107 administrative jurisdiction and management of the Bureau of Fisheries and Aquatic Resources
108 (BFAR). Those still to be classified under the present system shall continue to remain as part
109 of the public forest. (Section 13, PD 705, as amended)
110

111 **5.1. Land Classification.** Lands of the public domain are classified into agricultural,
112 forest or timber, mineral lands and national parks. Agricultural lands of the public domain may
113 be further classified by law according to the uses to which they may be devoted. Alienable
114 lands of the public domain shall be limited to agricultural lands. Lands covered by Mineral
115 Lands Tenements and proclaimed as mineral reservations shall be classified as mineral lands.
116 On the other hand, national parks shall be declared as such through the issuance of a
117 Presidential Proclamation or through an Act of Congress.
118

119 No lands of the public domain eighteen per cent (18%) in slope or over shall be
120 classified as alienable and disposable, nor any forest land fifty per cent (50%) in slope or over,
121 as grazing land. (Section 15, PD 705, as amended)
122

123 Lands eighteen per cent (18%) in slope or over which have already been declared as
124 alienable and disposable shall be reverted to the classification of forest land by the DENR
125 Secretary, to form part of the forest reserves, unless they are already covered by existing titles
126 or approved public land application, or actually occupied openly, continuously, adversely and
127 publicly for a period of not less than thirty (30) years from the effectivity of the Revised
128 Forestry Code, where the occupant is qualified for a Free Patent under the Public Land Act:
129 Provided, That said lands, which are not yet part of well-established communities, shall be kept
130 in a vegetative condition sufficient to prevent erosion and adverse effects on the lowlands and
131 streams: Provided, further, That when public interest so requires, steps shall be taken to
132 expropriate, cancel defective titles, reject public land application, or eject occupants thereof.
133 (Section 15, PD 705, as amended)
134

135 **5.2. Sub-Classification.** For purposes of rational management of classified lands, sub-
136 classification shall be undertaken and delineated according to the following:

- 137
138 5.2.1. Forest lands shall be sub-classified into Protection Forest and Production Forest.
139 5.2.2. National Parks (NPA and ENPAs areas) shall be classified into Strict Protection
140 Zone (SPZ) and Multiple Use Zone (MUZ).
141 5.2.3. Agricultural lands shall conform to the land use zoning of the Local
142 Government Units (LGUs).

143
144 **5.3. Land Survey.** It is the policy of the state to accelerate the adjudication and
145 disposition of lands of the public domain for the purpose of achieving tenurial security, land
146 ownership equity, improvement of standard of living and stimulation of land market activities
147 in consonance with the principles of sustainable development. (Section 1, DAO 2007-29)

148
149 The DENR shall pursue as a priority, the unification, synchronization and regulation of
150 all surveys on, but not limited to, agricultural lands, mineral lands, forest lands, national parks
151 (protected areas), civil and military reservations, road networks and lands for other purposes
152 and expedite the conduct, verification and approval of surveys thereon. (Section 1, DAO 2007-
153 29)

154
155 Hereunder are the classification of land surveys:

156
157 5.3.1. Control Surveys – the survey conducted to determine the horizontal and vertical
158 positions of points which will form part of a geodetic network or project controls
159 over an area which will subsequently become the basis in determining the
160 rectangular coordinates in an area. (Article 2 of DAO 2007-29)

161 5.3.1.1. Geodetic Control Surveys – the surveys conducted covering extensive
162 areas which consider the curvature and the geoid-spheroidal shape of the
163 earth at sea level for the purpose of establishing basic network of
164 reference points, covering the first and second order controls.

165
166 5.3.1.2. Project Control Surveys – the surveys conducted to establish the
167 positions of points of reference for projects with a limited geographic
168 coverage such as a municipality, a large isolated tract of land, a group
169 settlement, a barangay or group of municipalities, covering primary
170 control (third order), secondary control (fourth order) and tertiary
171 control.

172 5.3.2. Cadastral Surveys - the survey made to determine the metes and bounds of all
173 parcels within an entire municipality or city for land registration and other
174 purposes.

175
176 5.3.2.1. Numerical Cadastre shall refer to a cadastral survey wherein the
177 bearings and distances of the individual lots are determined from the
178 computations based on the actual ground survey.

179 5.3.2.2. Graphical Cadastre shall refer to a cadastral survey wherein the bearings
180 and distances of the individual lots are determined using transit and
181 stadia, scaling from photo map, and other graphical methods.

182 5.3.2.3. Public Land Subdivision shall refer to the subdivision of A&D lands
183 covering an area of more than 1,500 hectares.

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5.3.3. Isolated Surveys - shall be comprised of all classes of surveys of isolated parcels of land used for agricultural, residential, commercial, resettlement, or other purposes covering areas not more than 1,500 hectares. These surveys are classified as follows:

190

5.3.3.1. Group Settlement/Townsite Subdivision Surveys – the subdivision of A&D lands of not more than 1,500 hectares into 50 parcels or more.

191

192

5.3.3.2. Public Land Surveys – all original surveys covering A&D lands which have not been subjected to private rights nor devoted to public use pursuant to the provisions of public land laws.

193

194

195

5.3.3.3. Amendment Surveys – surveys covering untitled/undecreed properties by changing the number of lots thereof without affecting the original technical description of the boundary

196

197

198

5.3.3.4. Private Land Surveys – surveys covering lands claimed or owned by an individual, a partnership, a corporation, or any other form of organization, undertaken for purposes of original or subsequent land registration.

199

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5.3.3.5. Government Land Surveys – surveys of parcels of lands administered by or belonging to the National Government or any of its branches and instrumentalities which include:

203

204

205

a. Friar Land Estates Surveys – surveys on the lands purchased by the government from the Religious Orders and private corporations from 1904 to 1913, for distribution to actual occupants and bona fide settlers pursuant to Act 1120, otherwise known as the “Friar Lands Act;”

206

207

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210

b. National Government Lands Surveys – surveys of all patrimonial properties owned by the government not intended for public use; and

211

212

213

c. Local Government Units Lands Surveys – surveys on the lands acquired by the provincial, city/municipal, or barangay government pursuant to the Republic Act 7160, otherwise known as the “Local Government Code of 1991,” and other pertinent laws which are not needed for public purposes.

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5.3.3.6. Conversion Surveys – surveys conducted for the purpose of transforming/converting the lots covered by approved graphical cadastral surveys, cadastral mapping (Cadm) and photocadastral mapping (PCadm), into numerical or regular cadastral lots, with computation and plotting in the system of the cadastral project.

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5.3.3.7. Other Land Surveys – surveys made for purposes of determining the metes and bounds of parcels not included in the enumeration above and intended for a specific purpose.

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5.3.4. Mineral Land Surveys – surveys of mining claims, quarry applications, sand and gravel applications, and other mineral lands within private or public lands, executed for financial or technical assistance and mineral agreements, permits, contracts, licenses or for other purposes pursuant to the provision of Republic Act No. 7942, otherwise known as “The Philippine Mining Act of 1995”.

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5.3.5. Forest lands and National Parks/Protected Areas Delimitation Surveys – the surveys conducted by the Regional Composite Survey Team (RCST) or qualified private Geodetic Engineers in order to delimit on the ground the boundaries of

233

234

235 forest lands and national parks/protected areas from the agricultural (A&D) lands
236 as delineated pursuant to Sections 3 and 4 , Article XII of the 1987 Constitution,
237 PD 705, as amended or the "Revised Forestry Code of the Philippines" and
238 Republic Act No. 7586, otherwise known as the "National Integrated Protected
239 Areas System Act of 1992, as amended by Republic Act 11038 or the Expanded
240 National Integrated Protected Areas System Act of 2018." It shall also include
241 the sub-classification and zonification of said areas. (Article 2 of DAO 2007-29)
242

243 5.3.6. Ancestral Land Survey – the surveys conducted by the National Commission on
244 Indigenous Peoples (NCIP) or those under the employ of an agency or
245 organization which has an agreement with the NCIP for the purpose of titling
246 ancestral lands/domains.
247

248 **SECTION 6. Natural Resources Tenure Recognition**

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250 **6.1 Agricultural Lands (Alienable and Disposable Lands).** Only those lands shall be
251 declared open to disposition or concession which have been officially delimited and classified
252 and, when practicable, surveyed, and which have not been reserved for public or quasi-public
253 uses, nor appropriated by the Government, nor in any manner become private property, nor
254 those on which a private right authorized and recognized by CA 141, as amended, or any other
255 valid law may be claimed, or which, having been reserved or appropriated, have ceased to be
256 so. However, the President may, for reasons of public interest, declare lands of the public
257 domain open to disposition before the same have had their boundaries established or been
258 surveyed, or may, for the same reason, suspend their concession or disposition until they are
259 again declared open to concession or disposition by proclamation duly published or by Act of
260 Congress. (Section 8, CA 141, as amended)
261

262 The recognition and/or grant of tenure shall be in the form of the following:
263

264 6.1.1. Free Patent

265

266 Under Section 11 of CA 141, as amended or the Public Land Act, a free patent
267 is a mode of disposition of public agricultural land whereby an incomplete or
268 imperfect title over a parcel of land is administratively legalized. Under the said
269 law, a free patent may be granted to a person if he/she has the following
270 qualifications:

- 271 a. Natural-born citizen of the Philippines who is not the owner of more than
272 twelve (12) hectares of land; and
- 273 b. He/she has continuously occupied and cultivated public agricultural land
274 subject to disposition for at least thirty (30) years prior to April 15, 1990
275 (Section 5 of CA 141)
276

277 6.1.1.1. Agricultural Free Patent

278

279 An Agricultural Free Patent Application is a mode of acquiring, through
280 the administrative confirmation of an imperfect title of an actual
281 occupant, a parcel of land of the public domain suitable for and actually
282 devoted to agricultural purposes.
283
284

285 6.1.1.2. Residential Free Patent (RA 10023, DAO 2010-12)

286
287 A Residential Free Patent Application refers to the mode of acquiring a
288 parcel of alienable and disposable public land which is actually occupied
289 and used for residential purposes for a period of at least ten (10) years.

290
291 All lands that have been identified and zoned as residential through the
292 appropriate ordinance of the LGU are allowed to be applied for
293 Residential Free Patent provided that said lands are not needed for public
294 service or public use. Based on the category of cities and municipalities,
295 the area limitation for Residential Free Patent are as follows:

- 296 a. For highly urbanized cities - up to 200 square meters
297 b. For other cities - up to 500 square meters
298 c. For 1st and 2nd class municipalities - up to 750 square meters
299 d. For all other municipalities - up to 1,000 square meters
300

301 6.1.2. Homestead Patent

302
303 A homestead patent may be issued to a Filipino citizen at least 18 years of age
304 or the head of a family seeking to establish the land or agricultural home who:
305 (1) does not own more than 24 hectares of land (This maximum area limitation
306 was, however, reduced by the 1987 Constitution to only 12 hectares and further
307 reduced to 5 hectares in the DENR Memorandum Circular No. 22 dated
308 November 20, 1989 in line with the legislative policy of RA 6657 or the CARP
309 Law) ; (2) must have resided continuously in the municipality where the land is
310 situated for at least one year; and (3) must have cultivated at least 1/5 of the land
311 applied for.
312

313 6.1.3. Sales Patent

314
315 This is an instrument issued over public land acquired through purchase. This
316 can either be direct or through competitive bidding. The bid price for the sale of
317 the public land shall not be less than the appraised value.
318

319 6.1.4. Lease Agreement

320
321 Lease Agreement is issued to persons who intend to occupy or develop public
322 lands not open for titling or sale. The disposition of these lands shall be through
323 open bidding, whose bid price must not be less than ___% of the value of the
324 land and ___% of the value of the _____.

325 The government can only award the right to lease through an auction, the
326 procedure of which shall be the same as that prescribed for sales patents. An
327 inherent condition of the lease is that the lessee should have cultivated 1/3 of
328 the land "within five years after the date of the approval of the lease." (Taar vs.
329 Lawan, G.R. No. 190922, Oct. 11, 2017)

330 6.1.4.1. Foreshore Lease Contract/Agreement (FLC/FLA) adjacent to
331 Foreshore Land
332

333 An agreement executed by and between the DENR and the applicant to
334 occupy, develop, utilize, and manage the foreshore lands. It may also
335 cover marshy lands or lands covered with water bordering upon the
336 shores or banks of navigable lakes or rivers. It shall be for a period of
337 twenty-five (25) years and renewable for another twenty-five (25) years
338 at the option of the lessor.

339
340 6.1.4.2. Miscellaneous Lease Contract/Agreement (MLC/MLA)

341
342 An Agreement covering either a combination of dry land (part of the
343 shore), foreshore land or permanently underwater land depending on
344 the limitations as certified by the Philippine Ports Authority (PPA),
345 Philippine Reclamation Authority (PRA), Department of Tourism
346 (DOT) and Department of Public Works and Highways (DPWH).

347
348 6.1.4.3. Revocable Permit (RP)

349
350 A permit issued for the temporary occupation and use of a tract of land
351 not covered by a regular public land application.

352
353 6.1.4.4. Provisional Permit (PP)

354
355 A permit issued for the temporary occupation and use of a tract of land
356 covered by a prescribed public land application.

357
358 6.1.5. Deed of Conveyance / Deed of Sale

359
360 This instrument transfers ownership of a titled government-owned land to a
361 qualified Filipino citizen buyer.

362 Except for Lease Agreement, the Free Patent, Homestead Patent, Sales Patent and Deed
363 of Conveyance are all eligible for registration and issuance of land title.

364
365 **6.2 Forest land.** No person may utilize, exploit, occupy, possess or conduct any activity
366 within any forest land, or establish and operate any wood-processing plant, unless he has been
367 authorized to do so under a license agreement, lease, license, or permit. (Section 20, PD 705,
368 as amended)

369
370 All occupation/tenure inside forest land shall be issued, upon application, the following
371 instruments:

372
373 6.2.1. Socialized Industrial Forest Management Agreement (SIFMA)

374
375 An agreement entered into by and between a natural or juridical person and the
376 DENR wherein the latter grants to the former the right to develop, utilize and
377 manage a small tract of forest land, consistent with the principles of sustainable
378 development. This instrument covers occupation and forest development of a
379 small tract of forest land. This shall cover an area of one (1) to five hundred
380 (500) hectares.

381
382

383 6.2.2. Integrated Forest Management Agreement (IFMA)

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A production sharing agreement entered into by and between the DENR and a qualified applicant wherein the DENR grants to the latter the exclusive right to develop, manage, protect and utilize a specified area of forest land and forest resource therein for a period of twenty-five (25) years and may be renewed for another 25-year period.

391

392

6.2.3. Forest Land Grazing Management Agreement (FLGMA)

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395

A production sharing agreement between a qualified person, association and/or corporation and the Government to develop, manage and utilize grazing lands.

396

397

6.2.4. Forest Land Use Agreement (FLAg)

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An agreement between the Government as first party represented by the Secretary or the Regional Executive Director (RED) concerned, and a second party or a person, authorizing the latter to temporarily occupy, manage and develop in consideration of a government share, any forest land of the public domain for specific use defined in Section 3 of DAO No. 2004-59, to undertake any authorized activity therein for a period of twenty-five (25) years and renewable for the same period upon mutual agreement by both parties.

406

407

6.2.5. Forest Land Use Agreement for Tourism Purposes (FLAgT)

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An agreement between the DENR and a natural or juridical person, authorizing the latter to occupy, manage and develop, subject to government share, any forestland of the public domain for tourism purposes and to undertake any authorized activity therein for a period of twenty-five (25) years and renewable for the same period upon mutual agreement by both parties. It shall include special forest land uses such as Bathing Establishment, Camp Site, Ecotourism Destination, Hotel Site (inclusive of related resort facilities) and other tourism purposes.

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420

6.3 National Integrated Protected Areas System (NIPAS). The effective management of protected areas should encourage cooperation between and among stakeholders to manage and develop the appropriate zones of protected areas through special use agreements. (Section 1, DAO 2007-17)

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422

423

6.3.1. Special Use Agreement in Protected Areas (SAPA)

424

425

426

427

428

A binding instrument between the DENR, as the first party, and the project proponent as the second party, relating to the use and/or development of land, resources or facilities within protected areas, pursuant to the NIPAS Act, as amended.

429

430

431

6.3.2. Protected Area Community Based Resource Management Agreement (PACBRMA)

432

433

An agreement entered into by and between the DENR and the organized tenured migrant communities or interested indigenous peoples in protected areas and

434 buffer zones which has a term of twenty-five (25) years and renewable for
435 another twenty-five (25) years.

436
437 **CHAPTER III**
438 **CONSERVATION AND PROTECTION**

439 **SECTION 7. Reforestation.** Rehabilitation and reforestation of unproductive,
440 denuded and degraded forest lands and wildlife habitats shall be pursued extensively with
441 participation of people's and private organizations therein.

442
443 **SECTION 8. Logging Moratorium.** The decline of forest cover due to massive
444 logging of the natural forest became critical during the last two (2) decades necessitating costly
445 response from the Government. Hence, moratorium on the cutting and harvesting in the natural
446 and residual forest of the entire country should be implemented. (EO 23, series of 2011)

447
448 **SECTION 9. Stabilizing the Edges of Rivers and Creeks.** Climate change,
449 denudation of forest and unsustainable use of waterways affected the stability of riverbanks
450 resulting to disaster on settlements. Thus, in order to stabilize these lands, planting of trees
451 shall be undertaken by the Government on public lands.

452
453 **SECTION 10. Prohibition on Cutting of Mangroves.** The significance of mangroves
454 in coastal protection and as spawning ground for fishes and other aquatic life has been widely
455 recognized. It was also observed that the presence of healthy mangroves mitigates the effect of
456 storm surges. Hence, the cutting of all mangrove species shall be prohibited. (Section 71 of RA
457 7161)

458
459 **SECTION 11. Sanitation Cutting.** Sanitation cutting in forest areas, whether in
460 natural forests or plantation, shall be undertaken in a particular area infected by bark beetles
461 and in limited scale with wood borers, Phellinus root rot fungus and other related organisms.

462
463 **SECTION 12. Removal of Trees for Infrastructure Projects.** Trees being cleared
464 from the project site shall be subject to relocation, particularly those that are viable for balling
465 and transportation. Otherwise, removal shall be covered by a permit issued by the DENR and
466 subject to uniform replacement ratio for cut or relocated trees as required under DENR
467 Memorandum Order No. 2012-02.

468
469 **SECTION 13. Adoption of the Community-Based Forest Management (CBFM)**
470 **Strategy.** Settlements in the forests contribute to the denudation thereof, thus, necessitating
471 control of these areas. To this end, the CBFM shall be adopted as the national strategy to
472 achieve sustainable forestry and social justice. (EO 263)

473
474 **SECTION 14. Watershed as Ecosystem Management Unit.** Watersheds shall be
475 deemed as ecosystem management units and shall be managed in a holistic, scientific, rights-
476 based, technology-based, and community-based manner. Watershed management shall be
477 guided by principles of multiple-use, decentralization, and devolution, and active participation
478 of LGUs, synergism of economic, ecological, social and cultural objectives, and the rational
479 utilization of all resources found therein.

480
481 **SECTION 15. Forest Protection.** All measures shall be taken to protect the forest
482 resources from destruction, impairment and depletion. (Section 37 of PD 705, as amended) In
483 order to achieve the effective protection of the forest lands and the resources thereof from

484 illegal entry, unlawful occupation, *kaingin*, fire, insect infestation, theft, and other forms of
485 forest destruction, the utilization of timber therein shall not be allowed except through license
486 agreements under which the holders thereof shall have the exclusive privilege to cut all the
487 allowable harvestable timber in their respective concessions, and the additional right of
488 occupation, possession, and control over the same, to the exclusion of all others, except the
489 government, but with the corresponding obligation to adopt all the protection and conservation
490 measures to ensure the continuity of the productive condition of said areas, conformably with
491 multiple use and sustained yield management. (Section 38 of PD 705, as amended)

492

493 **SECTION 16. Lawin System of Forest Protection.** To ensure effective forest
494 protection on the ground, the Lawin system shall be adopted. The Lawin system is a forest and
495 biodiversity system that integrates biodiversity and threats monitoring, implementation of
496 interventions to address threats and monitor the response of the forest ecosystem to the
497 management intervention.

498

499 **SECTION 17. Prohibition on the Establishment of Permanent Structures in**
500 **Foreshore Areas and the Adjoining Salvage Zones.** It should be ensured that foreshore areas
501 and the adjoining salvage zones must be free of structures. Thus, no permanent
502 structure/development shall be allowed except for port and similar projects.

503 The banks of rivers and streams and the shores of the seas and lakes throughout their
504 entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in
505 agricultural areas and forty (40) meters in forest areas, along their margins are subject to the
506 easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.
507 No person shall be allowed to stay in this zone longer than what is necessary for recreation,
508 navigation, floatage, fishing or salvage or to build structures of any kind. (Article 51 of PD
509 1067 or the Water Code)

510 **SECTION 18. Buffer Zones.** When necessary, the DENR Secretary, upon
511 recommendation of the Protected Area Management Board (PAMB), may designate areas
512 surrounding the protected areas as buffer zones for the purpose of providing extras layer of
513 protection where restrictions may be applied: provided, That, in cases where the designated
514 buffer zone would cover private lands, the owners thereof shall be required to design their
515 development with due consideration to the protected area management plan. (Section 8, DAO
516 2019-05)

517 **SECTION 19. Foreshore Framework Plan.** The integrity of foreshore areas and the
518 adjoining salvage zone is critical element of conserving coastal and marine areas and shall
519 thereafter be governed/managed according to a framework plan.

520

521 **SECTION 20. National Integrated Protected Areas System.** Lands with outstanding
522 biodiversity, historical and cultural values, upon scientific determination shall be put under the
523 coverage of the NIPAS.

524

525 **SECTION 21. Protected Area Development Plan.** Protected areas shall be managed
526 by the PAMB pursuant to the formulated Area Development Plan (ADP).

527

528 **SECTION 22. Prohibition on Extraction of Resources Inside Protected Areas.** The
529 primary purpose of the Protected Areas is to maintain and improve the habitat and the critical
530 biodiversity species in it and as such, no resources shall be extracted within.

531

532 **SECTION 23. Conservation and Protection of Caves.** The country's geologic history
533 has endowed it with numerous cave systems, which serve as unique habitats for a number of
534 species. As such, these shall be conserved, protected and managed as part of the country's
535 natural wealth. To pursue this conservation, caves shall be assessed and subsequently
536 classified.

537

538 **SECTION 24. Integration of Wildlife Protection in Government Conservation**
539 **Programs.** The DENR has numerous conservation and protection programs which shall be
540 restructured to integrate protection of wildlife and their habitats.

541

542 **SECTION 25. Protection of National Listed Biodiversity Species.** To prevent the
543 extraction of critical biodiversity species, the DENR shall issue a list of such species which
544 shall be protected. The capture, possession, transport, and act of injuring these species are
545 prohibited.

546

547 **SECTION 26. Wildlife Rescue.** The Secretary shall establish rescue centers in the
548 Regional Offices based on a set of criteria that may be promulgated. The Center shall be under
549 the direct supervision of the Biodiversity Management Bureau (BMB), which shall provide the
550 necessary technical assistance to efficiently manage the center. (Section 32, DENR-DA-PCSD
551 JAO 2004-1)

552

553 Existing accredited wildlife rescue centers (WRCs) shall be recognized as temporary
554 holding facilities until such time that the regional wildlife rescue centers shall have been
555 established. The Secretary may enter into a memorandum of agreement (MOA) with other
556 government and private institutions for the establishment of WRC which shall be in accordance
557 with the standards prescribed by the DENR.

558

559 **SECTION 27. Establishment of Critical Habitats.** The DENR shall designate critical
560 habitats outside protected areas under RA 7586, as amended by RA 11038, where threatened
561 species are found. Such designation shall be made on the basis of the best scientific data taking
562 into consideration species endemism and/or richness, presence of man-made pressures/threats
563 to the survival of the wildlife living in the area, among others. (Section 25, DENR-DA-PCSD
564 JAO 2004-1)

565

566 All designated critical habitats shall be protected, in coordination with the local
567 government units and other concerned groups, from any form of exploitation or destruction
568 which may be detrimental to the survival of the threatened species dependent therein.

569

570 **SECTION 28. Areas Closed to Mining Applications.** No mineral contracts,
571 concessions and agreements shall be allowed in the following areas: (Section 1, EO 79)

572

- 573 28.1. Areas expressly stated under Section 19 of RA 7942 or the Mining Act;
574 28.2. Protected areas established under the NIPAS pursuant to RA 7586 or the NIPAS
575 Act, as amended by RA 11038 or the ENIPAS Act
576 28.3. Prime agricultural lands, in addition to lands covered by RA 6657 or the
577 Comprehensive Agrarian Reform Law, including plantations devoted to
578 valuable crops, and strategic agriculture and fisheries development zones and
579 fish refuge and sanctuaries;
580 28.4. Tourism development areas, as identified in the National Tourism Development
581 Plan (NTDP); and

582 28.5. Other critical areas, island ecosystems, and impact areas of mining as
583 determined by current and existing mapping technologies that the DENR may
584 identify.
585

586 However, contracts, agreements, and concessions that have been previously approved
587 shall continue to be valid subject to compliance with existing laws, rules and regulations.
588

589 **SECTION 29. Sustainable Mining.** Mineral resource exploration, development,
590 utilization and conservation shall be governed by the principle of sustainable mining, which
591 provides that the use of mineral wealth be pro-environment and pro-people in sustaining wealth
592 creation and improved quality of life under the following terms:
593

594 29.1. Mining is a temporary land use for the creation of wealth which leads to an
595 optimum land use in the post-mining stage as a result of progressive and
596 engineered mine rehabilitation work done in cycle with mining operations;
597

598 29.2. Mining activities must always be guided by current best practices in
599 environmental management committed to reducing the impacts of mining and
600 effectively and efficiently protecting the environment;
601

602 29.3. The wealth accruing to the Government and communities as a result of mining
603 should also lead to other wealth generating opportunities for people and to other
604 environment-responsible endeavors.
605

606 29.4. Mining activities shall be undertaken with due and equal emphasis on economic
607 and environmental considerations, as well as for health, safety, social and
608 cultural concerns; and
609

610 29.5. Conservation of minerals is effected not only through the recycling of mineral-
611 based products to effectively lengthen the usable life of mineral commodities but
612 also through the technological efficiency of mining operations.
613

614 **SECTION 30.** Investments in commercial mining activities from both domestic and
615 international sources shall be promoted in accordance with State policies and the principles and
616 objectives herein stated.
617

618 **SECTION 31.** The granting of mining rights shall harmonize existing activities,
619 policies and programs of the Government that directly or indirectly promote self-reliance,
620 development and resource management. Activities, policies and programs that promote
621 community-based, community-oriented and processual development shall be encouraged,
622 consistent with the principles of people empowerment and grassroots development.

623 **SECTION 32. Experimental Forest.** Experimental forest refers to those forest lands
624 set aside by the DENR Secretary exclusively for scientific, educational, and research purposes.
625 (Sec. 18, PD 705, as amended; DENR AO No. 42, s. 1987, Sec. 1)
626

627 Experimental forests shall be accorded the same protection measures as a forest land.
628 ERDB may call on any DENR field office nearest to the experimental forest for the
629 enforcement of pertinent forestry and environmental laws with the ultimate goal of conserving
630 and protecting the subject experimental forest.
631

**CHAPTER IV
NATURAL RESOURCES UTILIZATION AND DEVELOPMENT**

SECTION 33. Utilization and Development of Forest Land. Utilization and development of forest land should be covered by a forest tenorial instrument for a long-term use. However, short-term and gratuitous uses shall be covered by the following permits;

33.1. Gratuitous Special Use Permit - This instrument shall cover the following nature of use:

33.1.1. Public uses by the National Government or local government under instrumentalities.

33.1.2. Semi-public use for improvement or structures of an association or group completely open for public use.

33.1.3. Roads, bridges, public market, hospitals, schools, evacuation centers, offices, water resource development, and management facilities

33.1.4. Telephone lines of government agencies and their instrumentalities

33.1.5. Houses or huts for temporary use in connection with authorized uses provided that houses used during the entire year as headquarters will be classified as private camp and charged accordingly.

33.2. Special Land Use Permit (SLUP) – (FMB to provide definition/description)

SECTION 34. Extraction and Utilization of Forest Products. This shall be covered by the following permits:

34.1. Cutting, gathering, or collecting of timber shall require authorization from the DENR in a form of a permit. The permit issued for this purpose shall also authorize the holder to transport said products.

34.2. Cutting, gathering, or collecting forest products aside from timber requires a permit or license from the DENR.

34.3. Trimming, pruning, cutting, or clearing activities for tall-growing plants within power line corridor does not require prior clearance and permit.

SECTION 35. Harvesting / Cutting Permit. Harvesting/Cutting Permits may be issued to holders of tenorial instruments under the Community-Based Forest Management (CBFM) program of the DENR who intend to harvest/utilize forest products for commercial use, provided that they have an affirmed Community Resources Management Framework (CRMF) and Five-Year Work Plan (FYWP).

SECTION 36. International Trade of Wood Products. Wood products may be allowed for exportation only upon prior authority and clearance from the DENR Secretary or his/her duly authorized representatives. Specifically, the exporter shall secure Authority to Export Wood Products and Commodity Clearance.

682 Only logs produced from planted trees regardless of species and lumber, except those
683 produced from naturally grown premium hardwood and banned tree species shall be allowed
684 for exportation. (DAO 1988-33)
685

686 **SECTION 37. Issuance of Provisional Permit.** Provisional permit shall be issued to
687 allow immediate entry or development by a public land applicant effective for a period of one
688 (1) year renewable annually until such time that the subject public land application is perfected.
689

690 **SECTION 38. Extraction, Transport, and/or Trade of Wildlife.** The extraction,
691 transport, and trade of wildlife are prohibited unless covered by an authorization instrument or
692 the following permits:
693

694 38.1. Wildlife Collector's Permit
695

696 A permit to take or collect from the wild certain species and quantities of
697 wildlife for commercial purposes.
698

699 38.2. Wildlife Farm/Culture Permit
700

701 A permit to develop, operate and maintain a wildlife breeding farm for
702 conservation, trade and/or scientific purposes.
703

704 38.3. Transport Permit
705

706 A permit issued authorizing an individual to bring wildlife from one place to
707 another within the territorial jurisdiction of the Philippines.
708

709 38.4. Export Permit
710

711 A permit authorizing an individual to bring out wildlife from the Philippines to
712 any other country.
713

714 38.5. Gratuitous Permit
715

716 A permit issued to any individual or entity engaged in non-commercial scientific
717 or educational undertaking to collect wildlife.
718

719 **SECTION 39. Mineral Resource Development.** On the various stages of Mineral
720 Resource Development, the following agreements/permits shall be issued:

721 39.1. Exploration Permit (EP)
722

723 The permit granted to any qualified person before mining operations are
724 undertaken within government reservations, or before said areas are opened for
725 Mineral Agreement/FTAA application or other mining applications. The
726 Exploration Permit shall be for a period of two (2) years from the date of
727 issuance thereof, renewable for like periods but not to exceed a total term of
728 four (4) years for non-metallic mineral exploration or six (6) years for metallic
729 mineral exploration.
730
731

732 39.1.1. Authority to Verify

733

734 A document issued by the DENR to verify mineral deposits for areas
735 open to mining.

736

737 39.2. Mineral Agreement (MA)

738

739 A contract between the Government and a Contractor, involving Mineral
740 Production Sharing Agreement, Co-Production Agreement, or Joint Venture
741 Agreement. The Contractor is granted the exclusive right to conduct mining
742 operations within, but not title over, the contract area. The mining operations
743 allowed include development, construction, and utilization of mineral
744 resources, including the continuance of exploration works during the conduct
745 of development, construction and utilization activities. It shall be for a period of
746 twenty-five (25), and renewable for another term not exceeding twenty-five (25)
747 years.

748 39.2.1. Mineral Production Sharing Agreement (MPSA)

749

750 An agreement wherein the Government grants to the Contractor the
751 exclusive right to conduct mining operations within, but not title over,
752 the contract area and shares in the production whether in kind or in
753 value as owner of the minerals therein. The contractor shall provide the
754 necessary financing, technology, management and personnel.

755

756 39.2.2. Co-Production Agreement (CA)

757

758 An agreement between the Government and the Contractor wherein the
759 Government shall provide inputs to the mining operations other than
760 the mineral resources.

761

762 39.2.3. Joint Venture Agreement (JVA)

763

764 An agreement where a joint venture company is organized by the
765 Government and the Contractor with both parties having equity shares.
766 Aside from earnings in equity, the Government shall be entitled to a
767 share in the gross output.

768 39.3. Financial or Technical Assistance Agreement (FTAA)

769

770 An agreement involving financial or technical assistance for large-scale
771 exploration, development and utilization of mineral resources. No FTAA may
772 be granted with respect to raw cement materials, marble, granites, sand and
773 gravel, and construction aggregates. It shall be for a period of twenty-five (25),
774 and renewable for another term not exceeding twenty-five (25) years. The
775 FTAA shall be approved by the President of the Republic of the Philippines,
776 upon recommendation by the DENR Secretary of the negotiated FTAA
777 application.

778

779

780

- 781 39.4. Special Mines Permit (SMP)
782
783 A permit granted for the extraction and/or processing of mineral/s while waiting
784 for approval of the MPSA application. It shall have a duration of one (1) year,
785 and further renewal is subject to the approval of the Mines and Geosciences
786 Bureau (MGB) Director.
787
- 788 39.5. Mineral Processing Permit (MPP)
789
790 A permit granted for the conduct of mineral processing. It shall be for a period
791 of five (5) years, and renewable for like periods but not to exceed twenty-five
792 (25) years.
793
- 794 39.6. Industrial Sand and Gravel Permit (ISGP)
795
796 A permit granted for sand and gravel extraction with mechanical processing. It
797 shall be for a period of five (5) years, and renewable for like periods but not to
798 exceed twenty-five (25) years. The area covered shall be more than five (5)
799 hectares but not to exceed twenty (20) hectares.
800
- 801 39.7. Special Minerals Extraction Permit (SMEP)
802
803 A permit issued for the extraction sand and gravel materials for government
804 projects, pursuant to Executive Order (EO) No. 200. It shall be coterminous
805 with the completion of the government project.
806
- 807 39.8. Government Seabed Quarry Permit (GSQP)
808
809 A permit granted for the dredging of marine aggregate from identified burrow
810 areas for the Government's reclamation project. It shall be coterminous with the
811 particular project.
812
- 813 39.8.1. Special Exploration Permit
814
815 A permit granted for the mineral exploration for marine aggregate in
816 connection with the Government's reclamation project. It shall have a
817 term of two (2) years, renewable for like period.
818
- 819 39.9. Ore Transport Permit
820
821 A permit granted for the transport of ore from the mining contract/permit area.
822
- 823 39.10. Mineral Ore Export Permit
824
825 A permit granted for the export of ore from the mining contract/permit area.
826
- 827 39.11. Delivery Receipt
828
829 A document granted for the transport of sand and gravel from the mining
830 contract/permit area.
831

832 The LGUs are also granted the authority to issue/approve mining tenements, which
833 include the Small-Scale Mining Permit under P.D. No. 1899, Small-Scale Mining Contract
834 under R.A. No. 7076, Quarry Permit, Sand and Gravel Permits, Gratuitous Permit for quarry,
835 sand and gravel and loose/unconsolidated materials, Guano Permit, Gemstone Gathering
836 Permit, Pebble Picking Permit under DAO No. 1992-28, and Ore Transport Permit/Delivery
837 Receipt.

838
839 Mining operations in government reservations shall be first undertaken through an
840 Exploration Permit, subject to limitations prescribed therein, before the same is opened for
841 Mineral Agreement/FTAA application or other mining applications.

842
843 Applications for Exploration Permit/Mineral Agreement/FTAA within mineral
844 reservations shall be filed in the Regional Office concerned for its initial evaluation and
845 endorsement to the MGB for final evaluation. In the event that the applied area covers both a
846 Mineral Reservation and a non-Mineral Reservation, the mining applicant may file separate
847 applications covering the Mineral Reservation area and the non-Mineral Reservation area, or
848 file a single application covering the whole area, in the Regional Office concerned.

849
850 Application for Exploration Permit/Mineral Agreement/FTAA/Quarry Permit within
851 Mineral and Government Reservations shall be governed by other applicable provisions of
852 Chapters V, VI, VII and VIII of these implementing rules and regulations. (Section 11, DAO
853 2010-12)

854 **CHAPTER V**
855 **ENVIRONMENTAL PROTECTION**

856
857 **SECTION 40.** It is the policy of the State to attain and maintain a rational and orderly
858 balance between socio-economic growth and environmental protection. (Section I of PD 1586)

859
860 **SECTION 41.** Development undertakings having significant impact on the
861 environment shall be covered by the Environmental Impact Statement (EIS) System. The levels
862 of environmental impacts shall undergo review process and shall be issued the corresponding
863 certificates:

864
865 41.1. Environmental Compliance Certificate (ECC)

866
867 A document issued by the DENR-Environmental Management Bureau (EMB)
868 after a positive review of an EIS, certifying that based on the representations of
869 the proponent, the proposed project or undertaking will not cause significant
870 negative environmental impact. The ECC also certifies that the proponent has
871 complied with all the requirements of the EIS System and has committed to
872 implement its approved Environmental Management Plan. The ECC contains
873 specific measures and conditions that the project proponent has to undertake
874 before and during the operation of a project, and in some cases, during the
875 project's abandonment phase to mitigate identified environmental impacts.

876
877 41.2. Certificate of Non-Coverage (CNC)

878
879 A certification issued by the DENR-EMB certifying that, based on the
880 submitted project description, the project is not covered by the EIS System and
881 is not required to secure an ECC.

882

883 **SECTION 42.** Acquisition trading and/or importation of hazardous chemicals and
884 waste shall be registered and shall be issued the necessary permit.

885

886 **SECTION 43.** Treatment and processing of hazardous wastes before final disposal
887 shall be required.

888

889 **SECTION 44.** Operation of machineries especially for energy generation which may
890 emit pollutants shall be regulated and authorized by the DENR through the issuance of a permit
891 or a certificate to operate.

892

893

CHAPTER VI LAW ENFORCEMENT

894

895

896 **SECTION 45.** Law enforcement shall be intensified at all field units of the DENR.
897 However, major and high-profile violations shall be vested on the national enforcement units
898 created for the purpose.

899

900 **SECTION 46.** Commitment of the following acts shall be prohibited and shall be
901 subject to corresponding punitive response:

902

903 46.1. Poaching

904

905 46.2. Illegal occupation and/or development of forestlands

906

907 46.3. Transport of logs/timber without permit

908

909 46.4. Illegal logging

910

911 46.5. Importation of lumber without Certificate of Origin and other necessary transport
912 documents

913

914 46.6. Possession of illegally cut logs, timber, or other forest products.

915

916 **SECTION 47. Establishment of Permanent Structures in Foreshore Land.** All
917 projects introduced by the lessee shall be subject to the Environmental Impact Assessment
918 (EIA) System. Moreover, the lease shall not give the lessee any right to conduct any
919 reclamation work within or adjoining the area under his/her lease. (Section 15 of DAO 2004-
920 24)

921

922 Any violation of the provisions of CA 141, as amended regarding foreshore lands and
923 the additional conditions under DAO No. 2004-24 shall be ground for cancellation of the lease.

924

925 **SECTION 48. Liquid Waste Disposal (Pollution of Water Body).** Under the Clean
926 Water Act, discharging, depositing or causing to be deposited material of any kind directly or
927 indirectly into the water bodies or along the margins of any surface water, where, the same
928 shall be liable to be washed into such surface water, either by tide action or by storm, floods or
929 otherwise, which could cause water pollution or impede natural flow in the water body shall
930 be prohibited. Any person who commits said prohibited act shall be fined by the DENR, upon
931 recommendation of the Pollution Adjudication Board (PAB). Further, the Secretary, upon
932 recommendation by the PAB may order the closure, suspension of development or

933 construction, or cessation of operations or where appropriate, disconnection of water supply,
934 until such time that proper environmental safeguards are put in place and/or compliance with
935 the Clean Water Act or its rules and regulations are undertaken (Sections 27.a and 28 of DAO
936 2005-10)

937

938 **SECTION 49. Air Pollution.** For actual exceedance of any pollution or air quality
939 standards under the Clean Air Act or its Implementing Rules and Regulations, the PAB shall
940 impose a prescribed fine for every day of violation against the owner of a stationary source
941 until such time that the standards have been complied with. (Part XIII, Rule LIV of DAO 2000-
942 81)

943

944 The driver and operator of apprehended motor vehicles found to have exceeded the
945 emission standards shall also suffer penalties. (Rule LV)

946

947 Other acts such as burning of municipal wastes, hazardous substances and wastes,
948 biomedical wastes, and smoking in public places shall also be subject of penalty pursuant to
949 the Clean Air Act.

950

951 **SECTION 50. Illegal Waste Disposal.** Littering, throwing, dumping of waste matters
952 in public places, such as roads, sidewalks, canals, *esteros* or parks, and establishments, or
953 causing or permitting the same shall be prohibited. (Rule VIII of DAO 2001-34)

954

955 Other acts such as undertaking activities or operating, collecting or transporting
956 equipment in violation of sanitation operations and other requirements or permits set forth in
957 or established pursuant to RA 9003 or the Ecological Solid Waste Management (ESWM) Act;
958 the open burning of solid waste; causing or permitting the collection of non-segregated or
959 unsorted waste; squatting in open dumps and landfills; open dumping; burying of
960 biodegradable or non-biodegradable materials in flood-prone areas; unauthorized removal of
961 recyclable material intended for collection by authorized persons; mixing of source-separated
962 recyclable material with other solid wastes in any vehicle, box, container or receptacle used in
963 solid waste collection or disposal; establishment or operation of open dumps; transport and
964 dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas
965 other than centers or facilities prescribed under the ESWM Act; operation of waste facilities
966 without an ECC; and construction or operation of landfills or any waste disposal facility on any
967 aquifer, groundwater reservoir or watershed area and/or any portion thereof shall also be
968 prohibited.

969

970 Commitment of the above-cited prohibited acts shall be subject to fines and penalties
971 prescribed by the DENR. If the offense is committed by a corporation, partnership, or other
972 juridical entity duly organized in accordance with law, the chief executive officer, president,
973 general manager, managing partner or such other officer-in-charge shall be liable for the
974 commission of the offense penalized under the ESWM Act. If the offender is an alien, he/she
975 shall, after service of the sentence prescribed, be deported without further administrative
976 proceedings.

977

978 **SECTION 51. Illegal Possession and Transport of Wildlife.** Collecting, hunting or
979 possessing wildlife, their by-products and derivatives, as well as trading and transport without
980 the necessary permit or authorization, shall be prohibited. (Sections 27 and 28 of DENR-DA-
981 PCSD JAO 2004-01)

982

983 Moreover, unless otherwise allowed in accordance with the Wildlife Resources
984 Conservation and Protection Act, killing and destroying wildlife species, *except (1) when it is*
985 *done as part of the religious rituals of established tribal groups or indigenous cultural*
986 *communities, (2) when the wildlife is afflicted with an incurable communicable disease, (3)*
987 *when it is deemed necessary to put an end to the misery suffered by the wildlife, (4) when it is*
988 *done to prevent an imminent danger to the life or limb of a human being, (5) when the wildlife*
989 *is killed or destroyed after it has been used in authorized research or experiments; inflicting*
990 *injury which cripples and/or impairs the reproductive system of wildlife species; conducting*
991 *prohibited activities in critical habitats; introduction, reintroduction or restocking of wildlife*
992 *resources; gathering or destroying active nests, nest trees, host plants and the like; and*
993 *maltreating and/or inflicting other injuries shall also be prohibited.*

994
995 Penalties of imprisonment and payment of fines shall be imposed for the above-cited
996 illegal acts pursuant to the Wildlife Resources Conservation and Protection Act.
997

998 All wildlife, its derivatives or by-products, and all paraphernalia, tools and conveyances
999 used in connection with violations of the Wildlife Resources Conservation and Protection Act,
1000 shall be *ipso facto* forfeited in favor of the government: provided, that where the ownership of
1001 the aforesaid conveyances belong to third persons who have no participation in or knowledge
1002 of the illegal acts, the same may be released to said owner. The apprehending agency shall
1003 immediately cause the transfer of all wildlife that have been seized or recovered to the nearest
1004 Wildlife Rescue Center of the Department in the area.
1005

1006 If the offender is an alien, he shall be deported after service of sentence and payment
1007 of fines, without any further proceedings.
1008

1009 **SECTION 52. Payment of Mine Waste and Tailings Fees and ECC Compliance.**
1010 Mine Waste and Tailings (MWT) fees shall be collected semiannually from each operating
1011 Contractor/Lessee/Permit Holder based on the amounts of mine waste and mill tailings it
1012 generated for the said period. The amount of fees collected shall accrue to an MWT Reserve
1013 Fund and shall be deposited in a Government depository bank to be used for payment of
1014 compensation for damages caused by any mining operations. The MWT Reserve Fund shall
1015 also be utilized for research projects duly approved by the Contingent Liability and
1016 Rehabilitation Fund (CLRF) Steering Committee which are deemed necessary for the
1017 promotion and furtherance of its objectives. (Section 189 of DAO 2010-21)
1018

1019 Contractors/Permit Holders found operating a mining project without an ECC or
1020 wilfully violating and grossly neglecting to abide by the terms and conditions of the ECC shall
1021 suffer the penalty prescribed in the Penal Provisions of the Mining Act and other pertinent
1022 environmental laws. (Section 179 of DAO 2010-21)
1023

1024 **CHAPTER VII**
1025 **RESEARCH, DEVELOPMENT AND EXTENSION**
1026

1027 **SECTION 53. Research, Development and Extension (RDE).** Recognizing the
1028 significance of research and development for national development, the State shall engage in
1029 the advancement of science and technology, and their application to the management of
1030 environment and natural resources. With this, it shall be the policy of the DENR to undertake
1031 research, development, and extension activities for the sustainable management of the country's
1032 environment and natural resources with a policy focus on ecological balance, ecosystems
1033 productivity, equity and social justice. It shall also provide the necessary technological

1034 backstopping to push development forward in line with the government's desire to maintain the
1035 momentum of development in the Philippine economy. (Philippine Constitution, Art. XIV, Sec.
1036 10; DENR AO No. 96-27, Sec. 1)

1037

1038 **SECTION 54. RDE Management Cycle.** The ENR RDE Management of RDE
1039 programs/activities/projects (PAPs) shall involve three (3) major phases: Phase I – RDE PAPs
1040 Proposal Preparation and Review; Phase II – RDE PAPs Implementation, Monitoring and
1041 Evaluation, and Phase III - Technology Transfer and Extension. (n)

1042

1043 **SECTION 55. Technology Generation.** Technology generation is the process of
1044 conducting research and communicating its results with the primary aim of solving specific
1045 problems previously identified. The outcome of the implementation of research
1046 programs/projects are either in the form of products/goods, process/services and information
1047 desired to contribute to the enhancement of productivity, increase of opportunities, generation
1048 of income, improvement in the management, conservation, and protection of environment and
1049 natural resources, and of the general welfare of the target clientele/individual or public.

1050

1051 **Technology Generation Process.** The following activities are conducted during the
1052 technology generation process:

- 1053 1. Identification and review of ENR policy and management directions, and issues and
1054 problems that can be addressed through RDE;
- 1055 2. Policy gaps;
- 1056 3. Preparation of RDE PAPs proposals;
- 1057 4. Review and assessment;
- 1058 5. Technical review;
- 1059 6. Approval for implementation;
- 1060 7. Funding; and
- 1061 8. Preparation and conduct of other arrangements for RDE PAPs implementation. (n)

1062

1063 **SECTION 56. Technology Transfer.** Technology transfer is the process of
1064 communicating the outputs of research in the form of technologies
1065 (information/products/processes/services) from the technology generator to the target
1066 clients/end-users using appropriate media, interpersonal methods, and other strategies. (n)

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1068 DENR shall take on technology transfer as its strategic mission to effectively translate
1069 research results into useful products and services for the benefit of the Filipino people.

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1071 **Technology Transfer Process.** Technology derived through research should be
1072 compiled, classified and translated into packaged technology in the kind of a language that is
1073 understood by the target clienteles. DENR shall retain proprietary rights over the results of
1074 completed researches, or parts thereof. Dissemination, publication, or commercialization of
1075 such can only be effected with the express permission of the DENR. (DENR AO No. 96-27,
1076 Sections 11, 11.6)

1077

1078 Technology Transfer and Extension (TTE) consists of technology assessment;
1079 packaging of technology; dissemination; establishment of demonstration areas; preparation of
1080 draft policy whenever applicable; patent application, technology spin-off and
1081 commercialization by authorized entity whenever feasible and technology impact evaluation.
1082 (n)

1083

1084 The impact of technology adoption and utilization by target clientele must be evaluated.
1085 Enhancement of TTE services could be also be drawn from the client's feedback to ENR
1086 technologies, as well as extension strategies and therefore, the need for client satisfaction
1087 survey should become part of the RDE system. (n)

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**CHAPTER VIII
FINAL PROVISIONS**

1091 **SECTION 57. Separability Clause.** If for any reason, any section or provision of this
1092 Order is declared null and void, no other section, provision, or part thereof shall be affected
1093 and the same shall remain in full force and effect.

1094 **SECTION 58. Repealing Clause.** All orders, circulars, memoranda and other
1095 issuances inconsistent herewith are hereby repealed and/or modified accordingly.

1096 **SECTION 59. Effectivity.** This Order shall take effect fifteen (15) days after its
1097 publication in a newspaper of general circulation and upon acknowledgment of receipt of copy
1098 thereof by the Office of the National Administrative Register (ONAR).

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ROY A. CIMATU
Secretary