



## MEMORANDUM

FOR : **The Directors**  
Biodiversity Management Bureau  
Ecosystems Research and Development Bureau  
Environmental Management Bureau  
Land Management Bureau  
Mines and Geosciences Bureau

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

SUBJECT : **DRAFT DENR ADMINISTRATIVE ORDER (DAO)  
PRESCRIBING THE GUIDELINES ON THE ISSUANCE OF  
INTERIM PRIVILEGE FOR ALL TENURE INSTRUMENTS  
ISSUED UNDER THE FORESTRY SECTOR**

DATE : **18 NOV 2020**

---

## BACKGROUND

The draft DAO re: Prescribing the Guidelines on the Issuance of Interim Privilege for All Tenure Instruments Issued under the Forestry Sector is one of the policy proposals to address major gaps in land tenure issuances presented by the FMB during the Virtual Meeting on the *Consultation on Policy Gaps Related to Tenure Instruments* which was held on 23 October 2020. It is in line with the ongoing rationalization and streamlining of processes pursuant to Republic Act No. 11032 or the *Ease of Doing Business and Efficient Government Service Delivery Act of 2018*, and promotion of more private sector investment in forestry developments projects, and in cognizance with the cumbersome process in the conduct of Free, Prior and Informed Consent (FPIC) by the National Commission on Indigenous Peoples (NCIP).

## SALIENT FEATURES

- The draft Guidelines cover all applications for new, renewal and/or conversion of tenure instruments being issued by the DENR under the forestry sector which have been endorsed to and received by the NCIP for the issuance of the corresponding Certification Precondition (CP) and/or Certificate of Non-Overlap (CNO).
- It provides that the Regional Executive Director (RED) shall be authorized to issue an Interim Tenure Privilege (ITP) valid for a period of one (1) year, after 15 days from the date the NCIP has received the endorsement from the DENR for the issuance of corresponding CP/CNO.

- The validity period of the ITP shall form part of the 25-year period of the tenure instrument in conformity to the 50-year limitation on tenure instruments provided under the 1987 Philippine Constitution.
- The ITP shall automatically be terminated upon the issuance of corresponding tenure instrument by the concerned DENR Office and likewise it shall automatically be extended if no CP or CNO was issued within the period, or until the application has been finally decided upon by the NCIP and provided that no violation of existing laws, rules and regulations was incurred within the duration of the ITP.

#### **ACTIONS TAKEN**

The draft DAO was first endorsed to this Office by Asec. Marcial C. Amaro, Jr. on 04 November 2020. Considering the urgency of the issuance of the draft policy, we recommended for its immediate deliberation by the DENR Policy Technical Working Group (PTWG) on 10 November 2020. Thereafter, the FMB was able to comply with their commitment to the PTWG to submit within the day, through email, the revised version of the draft DAO incorporating the comments of the PTWG. On the same day, the PTWG Secretariat also submitted to FMB through email, their revised version of the draft DAO. The FMB harmonized the two revised versions of the draft DAO and submitted a refined version to the PTWG Secretariat on 11 November 2020.

#### **ACTION REQUESTED**

Should you concur with the proposed DAO, please notify this Office in writing **on or before 23 November 2020**. Otherwise, your lack of feedback shall be considered as your concurrence or no objection to the said proposed policy, which we shall endorse for vetting by the Undersecretaries prior to the approval by the Secretary.

Attached is the draft DAO Prescribing the Guidelines on the Issuance of Interim Privilege for All Tenure Instruments Issued under the Forestry Sector, for your consideration.

  
**MELINDA C. CAPISTRANO**

cc: FMB- Forest Policy Section  
fmbpolicysection@gmail.com



**DENR Administrative Order**  
**No. 2020 \_\_\_\_\_**

**SUBJECT:    PRESCRIBING THE GUIDELINES ON THE ISSUANCE OF  
INTERIM PRIVILEGE FOR ALL TENURE INSTRUMENTS  
ISSUED UNDER THE FORESTRY SECTOR**

In line with the on-going rationalization and streamlining of processes, promotion of more private investment in forestry development projects, and pursuant to PD 705, as amended, Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, and the Philippine Master Plan for Climate Resilient Forestry Development, which envisions, among others, to *“place all forest lands under sustainable forest management in order to meet demands for forest goods and ecosystems services*, this guidelines on the issuance of interim privilege for all tenure instrument applied for and/or issued by the DENR under the forestry sector is hereby issued and promulgated:

**Section 1. Basic Policy.** It is the policy of the State to sustainably manage the country’s forest resources and to protect and advance the rights of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

**Sec. 2. Scope and Coverage.** This guidelines shall cover all applications for new, renewal and/or conversion of tenure instruments being issued by the DENR under the forestry sector, which have been endorsed to and received by the National Commission on Indigenous Peoples (NCIP) for the issuance of the corresponding Certification Precondition (CP) and/or Certificate of Non-Overlap (CNO), as follows:

1. Integrated Forest Management Agreement (IFMA)
2. Socialized Industrial Forest Management Agreement (SIFMA)
3. Forestland Grazing Management Agreement (FLGMA)
4. Forestland Grazing Lease Agreement (FLGLA) for conversion to FLGMA
5. Forest Land Use Agreement (FLAg)
6. Forest Land Use Agreement for Tourism Purposes (FLAgT)
7. Community-Based Forest Mgt. Agreement (CBFMA)
8. Other Lawful Purposes Lease Agreement (OLPLA) for conversion to FLAg or FLAgT, as the case may be
9. Special Land Use Permits (SLUPs) for conversion to FLAg/FLAgT
10. Tree Farm Lease Agreement (TFLA) and/or Agroforestry Farm Lease Agreement (AFFLA) for conversion into SIFMA

**Sec. 3. Definition of Terms.** For the purpose of this Order, the following terms are to be understood and interpreted as follows:

- a) **Certificate of Non-Overlap (CNO)** – refers to the Certificate issued by the NCIP attesting to the fact that the area where the plan, program, project or activity to be done does not overlap with, or affect, any ancestral domain.

55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109

- b) **Certification Precondition (CP)** - refers to the Certificate issued by the NCIP, signed by the Chairperson or authorized representative, attesting to the grant of Free, Prior and Informed Consent (FPIC) by the concerned Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)
- c) **Government Share** – an amount to be paid by a user as a share to the government in the form of user’s fee for the use of a certain parcel of the forest land.
- d) **Interim Tenure Privilege (ITP)**- refers to a one-year privilege granted by the State to a natural or juridical person who applied for new, renewal and/or conversion of tenure instruments under the forestry sector, and such application has been endorsed to and received by the National Commission on Indigenous Peoples (NCIP) for the issuance of the corresponding Certification Precondition and/or Certificate of Non-Overlap (CNO).
- e) **Permanent improvement** – refers to improvement introduced to the land under contract/agreement which cannot be removed without causing any damage therefrom.
- f) **Temporary improvement** – refers to improvement introduced to the land under contract/agreement which can be removed without causing any damage therefrom.

**Sec. 4. Interim Tenure Privilege and Approving Authority.**

4.1 An Interim Tenure Privilege (ITP) shall be issued by the Regional Executive Director after 15 days from the date the NCIP has received the endorsement for the issuance of corresponding CP/CNO, following the attached Format marked as Annex “A” for new application, Annex “B” for renewal and Annex “C” for conversion to other instruments, subject to the following conditions:

**4.1.1 For new application**

- The holder may proceed with the ground survey, delineation and demarcation of the boundaries of the would-be tenured area;
- The holder shall manage, maintain and protect the area against any form of unlawful activities; and
- The holder may be allowed to introduce temporary improvements in the area.

**4.1.2 For renewal**

- The holder shall not introduce additional permanent improvements in the area;
- The holder shall continue managing and protecting the area against any form of unlawful activities;
- The holder shall follow the terms and conditions of the previous agreement; and
- The holder shall be authorized to harvest and utilize the products from existing agroforestry and established tree plantations, in accordance with the approved plan or permit

**4.1.3 For conversion to other instrument**

- The holder shall not introduce additional permanent improvements thereon;
- The holder shall continue managing and protecting the area against any form of unlawful activities;
- The holder shall follow the terms and conditions of the previous agreement/permit; and
- The government share (GS) shall be computed following the existing guidelines under which the tenure instrument shall be converted.

110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134

- 4.2 The ITP shall automatically be terminated upon the issuance of the corresponding tenure instrument by the concerned DENR Office. Likewise, it shall automatically be extended if no CP or CNO is issued within the period; or until the application therefor shall have been finally approved by the NCIP and provided, that no violation of existing laws, rules and regulations was incurred within the duration of the ITP.
- 4.3 The validity period of the ITP shall form part of the 25-year period of the tenure instrument in conformity with the 50-year limitation on the utilization, development, and conservation of natural resources as provided under the 1987 Philippine Constitution.

**Sec. 5. Repealing Clause.** All Department Orders, Circulars and other issuances inconsistent herewith are hereby repealed and amended accordingly.

**Sec. 6. Effectivity.** This Order shall take effect immediately 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) of the UP Law Center.

**ROY A. CIMATU**  
Secretary



1  
2  
3  
4  
5  
6  
7  
8 **INTERIM TENURE PRIVILEGE (ITP) No. \_\_\_\_\_**  
9 **(Integrated Forest Management Agreement)**

10  
11  
12 \_\_\_\_\_  
13 (Name of Applicant)

14  
15 \_\_\_\_\_  
16 (Address of Applicant)

17 In accordance with Department Administrative Order No. \_\_\_\_\_ dated \_\_\_\_\_ signed by the  
18 DENR Secretary and other existing laws and regulations, this Privilege is hereby granted to  
19 \_\_\_\_\_ / represented by \_\_\_\_\_ (if the applicant is a juridical person), of  
20 legal age, and a resident of \_\_\_\_\_ to occupy and manage \_\_\_\_\_ hectares of  
21 forestland located in Sitio(s) of \_\_\_\_\_ Barangay(s) of \_\_\_\_\_  
22 Municipality(ies) of \_\_\_\_\_ Province(s) of \_\_\_\_\_, under the  
23 **Integrated Forest Management Program**, the boundary and description of which are shown in the  
24 attached map which form part of this Interim Tenure Privilege.

25  
26 This privilege is subject to all existing laws, rules and regulations as well as those which may  
27 hereafter be promulgated, and the following terms and conditions:

- 28  
29 1. The holder may proceed with the ground survey, delineation and demarcation of the boundaries  
30 of the tenured area;  
31 2. The holder shall manage, maintain and protect the area against any form of unlawful activities;  
32 and  
33 3. The holder may be allowed to introduce temporary improvements in the area.

34  
35 This ITP shall automatically be terminated upon the issuance of the appropriate Clearance  
36 Certificate from the NCIP and the **Integrated Forest Management Agreement** shall have been issued  
37 by the concerned DENR Office.

38  
39 This Interim Privilege shall expire on \_\_\_\_\_, 2021. However, it may be further  
40 extended if no CP or CNO is issued within the period; or until the application therefor shall have been  
41 finally approved by the NCIP, and provided that no violation of existing laws, rules and regulations was  
42 incurred within the duration of the ITP. Furthermore, should a Resolution of Non-Consent is issued by  
43 the Indigenous Cultural Communities (ICCs), and the application is finally denied and returned by the  
44 concerned NCIP Regional Director, the ITP shall be deemed terminated and the area shall be placed by  
45 the DENR under an appropriate management arrangement and may be open for investment.

46  
47 Issued on \_\_\_\_\_ at \_\_\_\_\_.

48  
49  
50  
51 **REGIONAL EXECUTIVE DIRECTOR**

52  
53  
54 Copy furnished:

- 55  
56 1. PENRO, \_\_\_\_\_  
57 2. CENRO, \_\_\_\_\_  
58 3. Director, FMB, Diliman, Quezon City  
59 4. File



Republic of the Philippines  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, 1100 Quezon City  
Tel. Nos. (632) 8929-6626 to 96, (632) 8755-3300/8755-3330  
Website: www.denr.gov.ph

Annex "B"  
Sample: IFMA  
for renewal

**INTERIM TENURE PRIVILEGE (ITP) No. \_\_\_\_\_**  
**(Integrated Forest Management Agreement)**

\_\_\_\_\_  
(Name of Holder)

\_\_\_\_\_  
(Address of Holder)

In accordance with Department Administrative Order No. \_\_\_\_\_ dated \_\_\_\_\_ and other existing laws and regulations, this Privilege is hereby granted to \_\_\_\_\_ /represented by \_\_\_\_\_ (if the applicant is a juridical person), of legal age, and a resident of \_\_\_\_\_ to continuously occupy and manage the area covered by expired **IFMA/SIFMA/FLGMA/FLAg/FLAgT/CBFMA** No. \_\_\_\_\_ being renewed located in Sitio(s) of \_\_\_\_\_ Barangay(s) of \_\_\_\_\_ Municipality(ies) of \_\_\_\_\_ Province(s) of \_\_\_\_\_, the boundary and description of which are shown in the attached map which form part of this Interim Tenure Privilege.

This privilege is subject to all existing laws, rules and regulations as well as those which may hereafter be promulgated, and the following terms and conditions:

1. The holder shall not introduce additional permanent improvements in the area;
2. The holder shall continue managing and protecting the area against any form of unlawful activities;
3. The holder shall follow the terms and conditions of the previous agreement; and
4. The holder shall be authorized to harvest and utilize the products from existing agroforestry and established tree plantations, in accordance with the approved plan or permit

This ITP shall automatically be terminated upon the issuance of the appropriate Clearance Certificate from the NCIP and the **Integrated Forest Management Agreement** shall have been issued by the concerned DENR Office.

This Interim Privilege shall expire on \_\_\_\_\_, 2021. However, it may be further extended if no CP or CNO is issued within the period; or until the application therefor shall have been finally approved by the NCIP, and provided that no violation of existing laws, rules and regulations was incurred within the duration of the ITP. Furthermore, should a Resolution of Non-Consent is issued by the Indigenous Cultural Communities (ICCs), and the application is finally denied and returned by the concerned NCIP Regional Director, the ITP shall be deemed terminated and the area shall be placed by the DENR under an appropriate management arrangement and may be open for investment. All permanent and temporary improvements introduced and found therein, including bond deposit if any, are forfeited in favor of the Government (DENR), without any obligation on the part of the DENR Secretary to indemnify the ITP holder.

Issued on \_\_\_\_\_ at \_\_\_\_\_.

**REGIONAL EXECUTIVE DIRECTOR**

Copy furnished:

1. PENRO, \_\_\_\_\_
2. CENRO, \_\_\_\_\_
3. Director, FMB, Diliman, Quezon City
4. File



Republic of the Philippines  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, 1100 Quezon City  
Tel. Nos. (632) 8929-6626 to 96, (632) 8755-3300/8755-3330  
Website: www.denr.gov.ph

Annex "C"  
Sample: SLUP  
for conversion  
to FLAg

INTERIM TENURE PRIVILEGE (ITP) No. \_\_\_\_\_

\_\_\_\_\_  
(Name of Holder)

\_\_\_\_\_  
(Address of Holder)

In accordance with Department Administrative Order No. \_\_\_\_\_ dated \_\_\_\_\_ and other existing laws and regulations, this Privilege is hereby granted to \_\_\_\_\_ /represented by \_\_\_\_\_ (if the applicant is a juridical person), of legal age, and a resident of \_\_\_\_\_ to continuously occupy and manage the area covered by expired **SLUP/OLPLA** No. \_\_\_\_\_ being converted to **FLAg/FLAgT** located in Sitio(s) of \_\_\_\_\_ Barangay(s) of \_\_\_\_\_ Municipality(ies) of \_\_\_\_\_ Province(s) of \_\_\_\_\_, the boundary and description of which are shown in the attached map which form part of this Interim Tenure Privilege.

This privilege is subject to all existing laws, rules and regulations as well as those which may hereafter be promulgated, and the following terms and conditions:

1. The holder shall not introduce additional permanent improvements in the area;
2. The holder shall continue managing and protecting the area against any form of unlawful activities;
3. The holder shall follow the terms and conditions of the previous agreement/permit; and
4. The government share (GS) shall be computed following the existing guidelines under which the tenure instrument shall be converted.

This ITP shall automatically be terminated upon the issuance of the appropriate Clearance Certificate from the NCIP and the **Forest Land Use Agreement (FLAg)** shall have been issued by the concerned DENR Office.

This Interim Privilege shall expire on \_\_\_\_\_, 2021. However, it may be further extended if no CP or CNO is issued within the period; or until the application therefor shall have been finally approved by the NCIP, and provided that no violation of existing laws, rules and regulations was incurred within the duration of the ITP. Furthermore, should a Resolution of Non-Consent is issued by the Indigenous Cultural Communities (ICCs), and the application is finally denied and returned by the concerned NCIP Regional Director, the ITP shall be deemed terminated and the area shall be placed by the DENR under an appropriate management arrangement and may be open for investment. All permanent and temporary improvements introduced and found therein, including bond deposit if any, are forfeited in favor of the Government (DENR), without any obligation on the part of the DENR Secretary to indemnify the ITP holder.

Issued on \_\_\_\_\_ at \_\_\_\_\_.

**REGIONAL EXECUTIVE DIRECTOR**

Copy furnished:

1. PENRO, \_\_\_\_\_
2. CENRO, \_\_\_\_\_
3. Director, FMB, Diliman, Quezon City
4. File

**Let's Go Green!**