



Republic of the Philippines
Department of Environment and Natural Resources
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DEC 04 2020

MEMORANDUM

FOR/TO : The Undersecretary for Field Operations and Environment
The Administrator
National Mapping and Resource Information Authority
The Directors
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Environmental Management Bureau
Forest Management Bureau
Land Management Bureau
Mines and Geosciences Bureau
DENR-Legal Affairs Service
Climate Change Service
The Executive Directors
National Water Resources Board
River Basin Control Office
Environmental Protection and Enforcement Task Force

FROM : The Undersecretary for Policy, Planning and International Affairs

SUBJECT : **DRAFT DENR ADMINISTRATIVE ORDER (DAO) RE
HARMONIZED ENVIRONMENT AND NATURAL
RESOURCES (ENR) MANAGEMENT POLICIES**

Recent developments and experiences in the Department's implementation of sectoral programs and the delivery of services to the public manifest confusion and delays, due in part to conflicting environment and natural resources (ENR) policies. The review towards the reform of these policies is imperative to address the various inconsistencies and conflicts among ENR sectoral policies. There is also a recognized need to update these policies to conform to current realities.

The need for the harmonization of laws and policies was also recognized under the Philippine Development Plan (PDP) 2017-2022, wherein the cross-cutting strategy identified to attain the goal in Chapter 20 (Ensuring Ecological Integrity, Clean and Healthy Environment) is the review, codification, and streamlining of existing environment and natural resources policies, rules and regulations, to improve compliance, address conflicting provisions, and promote transparency and accountability.

MEMO NO. 2020 - 647

The Policy and Planning Service - Policy Studies Division (PPS-PSD) is spearheading a project to harmonize the basic ENR management policies. In facilitating the conduct of the activity, Special Order (SO) No. 2019-671 was issued on September 18, 2019, creating a Technical Working Group (TWG) chaired by the PPS Director, with memberships from the PPS-PSD/PMED/PPD, all Bureaus, Office of the Undersecretary for Field Operations, Office of the then Assistant Secretary for Staff Bureaus and the Legal Affairs Service. A draft DENR Administrative Order (DAO) providing for a harmonized ENR management policies was crafted as an output of the TWG.

In this regard, may we request your comment/recommendation or additional inputs on the draft policy (copy attached) on or before December 15, 2020.

For your preferential action, please.



ATTY. JONAS R. LEONES



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DENR ADMINISTRATIVE ORDER
NO. 2020 - _____

SUBJECT : HARMONIZED ENVIRONMENT AND NATURAL RESOURCES (ENR) MANAGEMENT POLICIES

Pursuant to Article XII of the 1987 Philippine Constitution, Executive Order (E.O.) No. 192, series of 1987 or the Reorganization Act of the DENR, E.O. No. 5, series of 2016 which approved and adopted 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 Harmonized Environment and Natural Resources (ENR) Management Policies 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 harmonized environment and natural resources management policies, rules and regulations, in order to improve compliance, address conflicting issuances, 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 basic policies on the management, utilization, development, conservation, protection of, and the research, development and extension 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 No. 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

- 43 aquatic ecosystems and the ecological complexes of which they are part; this
44 includes diversity within species, between species and of ecosystem. (DAO No.
45 2019-05)
- 46 4.3. **Department of Environment and Natural Resources (DENR)** – the primary
47 government agency responsible for the conservation, management, development
48 and proper use of the country’s environment and natural resources, specifically
49 forest and grazing lands, mineral resources, including those in the reservation and
50 watershed areas, and lands of the public domain, as well as the licensing and
51 regulation of all natural resources as may be provided by law in order to ensure
52 equitable sharing of the benefits derived therefrom for the welfare of the present
53 and future generations of Filipinos. (E.O. 192)
- 54 4.4. **Ecosystem** – dynamic complex of plant, animal, and micro-organism
55 communities, and their non-living environment, interacting as a functional unit.
56 (DAO 2019-05)
- 57 4.5. **Environment** – surrounding air, water (both ground and surface), land, flora,
58 fauna, humans and their interrelations. (DAO No. 2003-30)
- 59 4.6. **Environmental impact assessment** – a process that involves evaluating and
60 predicting the likely impacts of a project (including cumulative impacts) on the
61 environment during construction, commissioning, operation and abandonment. It
62 also includes designing appropriate preventive, mitigating and enhancement
63 measures addressing these consequences to protect the environment and the
64 community’s welfare. The process is undertaken by, among others, the project
65 proponent and/or EIA Consultant, DENR-Environmental Management Bureau
66 (EMB), a Review Committee, affected communities and other stakeholders.
67 (DAO No. 2003-30)
- 68 4.7. **Foreshore lands** – the part of the shore which is alternately covered and
69 uncovered by the ebb and flow of the tide. (DAO No. 2004-24)
- 70 4.8. **Forest lands** – lands of the public domain comprising of the public forest, the
71 permanent forest or forest reserves, and forest reservations. (DAO No. 2004-28)
- 72 4.9. **Mangrove** – a term applied to the type of forest occurring on tidal flat along the
73 sea coast, extending along streams where the water is brackish. (P.D. 705, as
74 amended)
- 75 4.10 **Minerals** – all naturally occurring inorganic substance in solid, gas, liquid, or any
76 intermediate state excluding energy materials such as coal, petroleum, natural gas,
77 radioactive materials, and geothermal energy. (R.A. 7942)
- 78 4.11. **Mineral lands** – any area where mineral resources are found (DAO No. 2010-21)
- 79 4.12. **Protected areas** – identified portions of land and/or water set aside by reason of
80 their unique physical and biological diversity and protected against destructive
81 human exploitation. (R.A. 11038)
- 82 4.13. **Water resources** – are sources of, usually fresh, water that are useful, or
83 potentially useful to society, for instance for agricultural, industrial or recreational
84 use. Examples include groundwater, rivers, lakes and reservoirs. (nature.com)

85 4.14. **Watershed** – a land area drained by a stream or fixed body of water and its
86 tributaries having a common outlet for surface run-off. (P.D. 705, as amended)

87 4.15. **Wildlife** – wild forms and varieties of flora and fauna, in all development stages,
88 including those which are in captivity or are being bred or propagated. (R.A.
89 9147)

90 **CHAPTER II**
91 **ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT**

92 **SECTION 5. Land Classification, Sub-Classification, Survey and Mapping.** Lands
93 of the public domain are classified into agricultural, forest or timber, mineral lands and national
94 parks. Agricultural lands of the public domain may be further classified by law according to
95 the uses to which they may be devoted. Alienable lands of the public domain shall be limited
96 to agricultural lands. (1987 Phil. Constitution) Lands covered by Mineral Lands Tenements
97 and proclaimed as mineral reservations shall be classified as mineral lands. On the other hand,
98 national parks shall be declared as such through an Act of Congress. The Congress shall
99 determine by law, the specific limits of forest lands and national parks. Such forest lands and
100 national parks shall be conserved and may not be increased nor diminished, except by law.
101 (Section 4, 1987 Phil. Constitution) No reclassification of forest or mineral lands to agricultural
102 lands shall be undertaken until Congress shall have determined by law, the specific limits of
103 the public domain. (Section 4a, R.A.6657)
104

105 **5.1. Land Classification.** The President, upon recommendation by the Secretary of the
106 Department of Environment and Natural Resources (DENR) shall from time to time, classify
107 the lands of the public domain. (Section 9, C.A. 151, as amended)

108 The DENR Secretary shall study, devise, determine and prescribe the criteria,
109 guidelines and methods for the proper and accurate classification and survey of all lands of the
110 public domain. (Section 13, P.D. 705, as amended). He/she shall simplify through inter-bureau
111 action the present system of determining which of the unclassified lands of the public domain
112 are needed for forest purposes and declare them as permanent forest to form part of the forest
113 reserves. Those still to be classified under the present system shall continue to remain as part
114 of the public forest. (Section 13, P.D. 705, as amended)

115 **5.2. Sub-Classification.** For purposes of rational management of classified lands, sub-
116 classification and delineation shall be undertaken according to the following:
117

- 118 5.2.1. Forest lands shall be sub-classified into Protection Forest and Production Forest.
119 5.2.2. National Parks (NPA and ENPAs areas) shall be zoned into Strict Protection
120 Zone (SPZ) and Multiple Use Zone (MUZ).
121 5.2.3. Agricultural lands shall conform to the land use zoning of the Local
122 Government Units (LGUs).
123

124 **5.3. Land Survey.** It is the policy of the state to accelerate the adjudication and
125 disposition of lands of the public domain for the purpose of achieving tenurial security, land
126 ownership equity, improvement of standard of living and stimulation of land market activities
127 in consonance with the principles of sustainable development. (Section 1, DAO No. 2007-29)
128

129 The DENR shall pursue as a priority, the unification, synchronization and regulation of
130 all surveys on, but not limited to, agricultural lands, mineral lands, forest lands, national parks
131 (protected areas), civil and military reservations, road networks and lands for other purposes

132 and expedite the conduct, verification and approval of surveys thereon. (Section 1, DAO No.
133 2007-29)

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135 Hereunder are the classifications of land surveys:

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137 5.3.1. Control Surveys – the survey conducted to determine the horizontal and vertical
138 positions of points which will form part of a geodetic network or project controls
139 over an area which will subsequently become the basis in determining the
140 rectangular coordinates in an area. (Article 2 of DAO No. 2007-29)

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142 5.3.1.1. Geodetic Control Surveys – the surveys conducted covering extensive
143 areas which consider the curvature and the geoid-spheroidal shape of the
144 earth at sea level for the purpose of establishing basic network of
reference points, covering the first and second order controls.

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146 5.3.1.2. Project Control Surveys – the surveys conducted to establish the
147 positions of points of reference for projects with a limited geographic
148 coverage such as a municipality, a large isolated tract of land, a group
149 settlement, a barangay or group of municipalities, covering primary
150 control (third order), secondary control (fourth order) and tertiary
control.

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152 5.3.2. Cadastral Surveys - the survey made to determine the metes and bounds of all
153 parcels within an entire municipality or city for land registration and other
154 purposes.

155

156 5.3.2.1. Numerical Cadastre shall refer to a cadastral survey wherein the
157 bearings and distances of the individual lots are determined from the
158 computations based on the actual ground survey.

159

160 5.3.2.2. Graphical Cadastre shall refer to a cadastral survey wherein the bearings
161 and distances of the individual lots are determined using transit and
162 stadia, scaling from photo map, and other graphical methods.

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164 5.3.2.3. Public Land Subdivision shall refer to the subdivision of A&D lands
165 covering an area of more than 1,500 hectares.

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167 5.3.3. Isolated Surveys - shall be comprised of all classes of surveys of isolated parcels
168 of land used for agricultural, residential, commercial, resettlement, or other
169 purposes covering areas not more than 1,500 hectares. These surveys are
170 classified as follows:

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172 5.3.3.1. Group Settlement/Townsite Subdivision Surveys – the subdivision of
173 A&D lands of not more than 1,500 hectares into 50 parcels or more.

174

175 5.3.3.2. Public Land Surveys – all original surveys covering A&D lands which
176 have not been subjected to private rights nor devoted to public use
177 pursuant to the provisions of public land laws.

178

179 5.3.3.3. Amendment Surveys – surveys covering untitled/undecreed properties
180 by changing the number of lots thereof without affecting the original
181 technical description of the boundary

182

183 5.3.3.4. Private Land Surveys – surveys covering lands claimed or owned by an
184 individual, a partnership, a corporation, or any other form of

- 179 organization, undertaken for purposes of original or subsequent land
180 registration.
- 181 5.3.3.5. Government Land Surveys – surveys of parcels of lands administered by
182 or belonging to the National Government or any of its branches and
183 instrumentalities which include:
- 184 i. Friar Land Estates Surveys – surveys on the lands purchased by the
185 government from the Religious Orders and private corporations
186 from 1904 to 1913, for distribution to actual occupants and bona fide
187 settlers pursuant to Act 1120, otherwise known as the “Friar Lands
188 Act;”
- 189 ii. National Government Lands Surveys – surveys of all patrimonial
190 properties owned by the government not intended for public use; and
191 iii. Local Government Units Lands Surveys – surveys on the lands
192 acquired by the provincial, city/municipal, or barangay government
193 pursuant to the Republic Act 7160, otherwise known as the “Local
194 Government Code of 1991,” and other pertinent laws which are not
195 needed for public purposes.
- 196 5.3.3.6. Conversion Surveys – surveys conducted for the purpose of
197 transforming/converting the lots covered by approved graphical
198 cadastral surveys, cadastral mapping (Cadm) and photocadastral
199 mapping (PCadm), into numerical or regular cadastral lots, with
200 computation and plotting in the system of the cadastral project.
- 201 5.3.3.7. Other Land Surveys – surveys made for purposes of determining the
202 metes and bounds of parcels not included in the enumeration above and
203 intended for a specific purpose.
204
- 205 5.3.4. Mineral Land Surveys – surveys of mining claims, quarry applications, sand and
206 gravel applications, and other mineral lands within private or public lands,
207 executed for financial or technical assistance and mineral agreements, permits,
208 contracts, licenses or for other purposes pursuant to the provision of Republic
209 Act No. 7942, otherwise known as “The Philippine Mining Act of 1995”.
210
- 211 5.3.5. Forest lands and National Parks/Protected Areas Delimitation Surveys – the
212 surveys conducted by the Regional Composite Survey Team (RCST) or qualified
213 private Geodetic Engineers in order to delimit on the ground the boundaries of
214 forest lands and national parks/protected areas from the agricultural (A&D) lands
215 as delineated pursuant to Sections 3 and 4 , Article XII of the 1987 Constitution,
216 P.D. 705, as amended or the “Revised Forestry Code of the Philippines” and
217 Republic Act No. 7586, otherwise known as the “National Integrated Protected
218 Areas System Act of 1992, as amended by Republic Act 11038 or the Expanded
219 National Integrated Protected Areas System Act of 2018.” It shall also include
220 the sub-classification and zonification of said areas. (Article 2 of DAO No. 2007-
221 29)
222
- 223 5.3.6. Ancestral Land Surveys – the surveys conducted by the National Commission
224 on Indigenous Peoples (NCIP) or those under the employ of an agency or
225 organization which has an agreement with the NCIP for the purpose of titling
226 ancestral lands/domains.

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5.3.7 Political Boundary Surveys – surveys showing the terrestrial extent or limit of a unit of government such as barangay, municipality and province.

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5.4. Mapping. Mapping the country’s environment and natural resources is one of the indispensable activities/tools for evidence-based planning and decision-making. Institutionalizing the use of geographic information system (GIS) is imperative in the production of environment and natural resources data and statistics.

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The maps to be produced and utilized by the field offices and other offices for planning, monitoring and evaluating the Department’s programs, projects and activities shall include but not limited to:

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- 5.4.1. Land Classification Maps
- 5.4.2. Cadastral Maps
- 5.4.3. Base Maps
- 5.4.4. Political Boundary Maps
- 5.4.5. Watershed Maps
- 5.4.6. Protected Areas Maps
- 5.4.7. Mineral Reservation Maps
- 5.4.8. Tenured Areas
- 5.4.9. National Greening Program (NGP) sites
- 5.4.10. Key Biodiversity Areas
- 5.4.11. Critical Habitats
- 5.4.12. Classified Caves
- 5.4.13. Wetlands
- 5.4.14. Air Quality Monitoring Stations
- 5.4.15. Water Quality Monitoring Stations
- 5.4.16. Water Quality Management Areas
- 5.4.17. Flood and Landslide Susceptibility Maps
- 5.4.18. Mining Tenement Maps
- 5.4.19. Groundwater Availability Maps
- 5.4.20. Geology of the Philippines
- 5.4.21. Mineral Distribution Maps
- 5.4.22. Mineral Potential Maps
- 5.4.23. Water Region Maps
- 5.4.24. River Basin Maps

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SECTION 6. Natural Resources Tenure Recognition. In the recognition of tenures in all classifications of natural resources, vested rights shall be respected, including the duly registered ancestral domain titles.

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6.1. Agricultural Lands (Alienable and Disposable Lands). Only those lands shall be declared open to disposition or concession which have been officially delimited and classified and, when practicable, surveyed, and which have not been reserved for public or quasi-public uses, nor appropriated by the Government, nor in any manner become private property, nor those on which a private right authorized and recognized by the Public Land Act, or any other valid law may be claimed, or which, having been reserved or appropriated, have ceased to be so. However, the President may, for reasons of public interest, declare lands of the public domain open to disposition before the same have had their boundaries established or

275 been surveyed, or may, for the same reason, suspend their concession or disposition until they
276 are again declared open to concession or disposition by proclamation duly published or by Act
277 of Congress. (Section 8, C.A. 141, as amended)

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

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6.1.1. Free Patent

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

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- i. Natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares of land; and
- ii. He/she has continuously occupied and cultivated public agricultural land subject to disposition for at least thirty (30) years prior to April 15, 1990 (Section 5 of C.A. 141)

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6.1.1.1. Agricultural Free Patent

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

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6.1.1.2. Residential Free Patent (R.A. 10023, DAO No. 2010-12)

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

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

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- i. For highly urbanized cities - up to 200 square meters
- ii. For other cities - up to 500 square meters
- iii. For 1st and 2nd class municipalities - up to 750 square meters
- iv. For all other municipalities - up to 1,000 square meters

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6.1.2. Homestead Patent

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A homestead patent may be issued to a Filipino citizen at least 18 years of age or the head of a family seeking to establish the land or agricultural home who: (1) does not own more than 24 hectares of land (This maximum area limitation was, however, reduced by the 1987 Constitution to only 12 hectares and further reduced to 5 hectares in the DENR Memorandum Circular No. 22 dated

324 November 20, 1989 in line with the legislative policy of R.A. 6657 or the CARP
325 Law); (2) must have resided continuously in the municipality where the land is
326 situated for at least one year; and (3) must have cultivated at least 1/5 of the land
327 applied for.

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329 6.1.3. Sales Patent

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

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335 6.1.4. Lease Agreement

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337 Lease Agreement is issued to persons who intend to occupy or develop public
338 lands not open for titling or sale. The disposition of these lands shall be through
339 open bidding.

340 The government can only award the right to lease through an auction, the
341 procedure of which shall be the same as that prescribed for Sales Patents. An
342 inherent condition of the lease is that the lessee should have cultivated 1/3 of
343 the land "within five years after the date of the approval of the lease." (Taar vs.
344 Lawan, G.R. No. 190922, Oct. 11, 2017)

345 6.1.4.1. Foreshore Lease Contract/Agreement (FLC/FLA) adjacent to
346 Foreshore Land

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

354

355 6.1.4.2. Miscellaneous Lease Contract/Agreement (MLC/MLA)

356

357 An Agreement covering either a combination of dry land (part of the
358 shore), foreshore land or permanently underwater land depending on
359 the limitations as certified by the Philippine Ports Authority (PPA),
360 Philippine Reclamation Authority (PRA), Department of Tourism
361 (DOT) and Department of Public Works and Highways (DPWH).

362

363 6.1.4.3. Revocable Permit (RP)

364

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

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368 6.1.4.4. Provisional Permit (PP)

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370 A permit issued for the temporary occupation and use of a tract of land
371 covered by a prescribed public land application.

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373 6.1.5. Deed of Conveyance / Deed of Sale

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375
376

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

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

379

380 **6.2. Forest land.** No person may utilize, exploit, occupy, possess or conduct any
381 activity within any forest land, or establish and operate any wood-processing plant, unless he
382 has been authorized to do so under a license agreement, lease, license, or permit. (Section 20,
383 PD 705, as amended)

384

385 All occupation/tenure inside forest land shall be issued, upon application, the following
386 instruments:

387

388 6.2.1. Socialized Industrial Forest Management Agreement (SIFMA)

389

390 An agreement entered into by and between a natural or juridical person and the
391 DENR wherein the latter grants to the former the right to develop, utilize and
392 manage a small tract of forest land, consistent with the principles of sustainable
393 development. This instrument covers occupation and forest development of a
394 small tract of forest land. This shall cover an area of one (1) to five hundred
395 (500) hectares.

396

397 6.2.2. Integrated Forest Management Agreement (IFMA)

398

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

404

405 6.2.3. Forest Land Grazing Management Agreement (FLGMA)

406

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

409

410 6.2.4. Forest Land Use Agreement (FLAg)

411

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

419

420 6.2.5. Forest Land Use Agreement for Tourism Purposes (FLAgT)

421

422 An agreement between the DENR and a natural or juridical person, authorizing
423 the latter to occupy, manage and develop, subject to government share, any
424 forestland of the public domain for tourism purposes and to undertake any
425 authorized activity therein for a period of twenty-five (25) years and renewable
426 for the same period upon mutual agreement by both parties. It shall include
427 special forest land uses such as Bathing Establishment, Camp Site, Ecotourism
428 Destination, Hotel Site (inclusive of related resort facilities) and other tourism
429 purposes.
430

431 **6.3. National Integrated Protected Areas System (NIPAS).** The effective
432 administration of protected areas is possible only through cooperation among the national
433 government, local governments, concerned non-government organizations, private
434 organizations, and local communities. The use and enjoyment of these protected areas must be
435 consistent with the principles of biological diversity and sustainable development. The
436 protected area's multiple use zone may be managed through the issuance of the following
437 tenurial instruments:
438

439 **6.3.1. Protected Area Community Based Resource Management Agreement**
440 **(PACBRMA)**
441

442 An agreement entered into by and between the DENR and the organized tenured
443 migrant communities or interested indigenous peoples in protected areas and
444 buffer zones which has a term of twenty-five (25) years and renewable for
445 another twenty-five (25) years. Tenure holders shall be required to prepare a
446 community resource management plan within one (1) year from the issuance of
447 the PACBRMA.
448

449 **6.3.2. Special Use Agreement in Protected Areas (SAPA)**
450

451 A binding instrument between the DENR, as the first party, and the project
452 proponent as the second party, relating to the use and/or development of land,
453 resources or facilities within protected areas, pursuant to the NIPAS Act, as
454 amended
455

456 **CHAPTER III**
457 **CONSERVATION AND PROTECTION**

458 **SECTION 7. Reforestation.** Rehabilitation and reforestation of unproductive,
459 denuded and degraded forest lands, protected areas and other areas important to biodiversity
460 conservation shall be pursued extensively with participation of people's and private
461 organizations therein.
462

463 **SECTION 8. Logging Moratorium.** The decline of forest cover due to massive
464 logging of the natural forest became critical during the last two (2) decades necessitating costly
465 response from the Government. Hence, moratorium on the cutting and harvesting in the natural
466 and residual forest of the entire country should be implemented. (E.O. 23, series of 2011)
467

468 **SECTION 9. Stabilizing the Edges of Rivers, Creeks, and Lakes.** Climate change,
469 denudation of forest and unsustainable use of waterways affected the stability of riverbanks
470 and lakeshores resulting to disaster on settlements. Thus, in order to stabilize these lands,

471 planting of trees, preferably native species shall be undertaken by the Government in public
472 lands.

473

474 **SECTION 10. Prohibition on Cutting and Conversion of Mangroves.** The
475 significance of mangroves in coastal protection and as spawning ground for fishes and other
476 aquatic life has been widely recognized. It was also observed that the presence of healthy
477 mangroves mitigates the effect of storm surges. Hence, the cutting of all mangrove species
478 shall be prohibited. (Section 71 of R.A. 7161)

479

480 It shall also be unlawful for any person to convert mangroves into fishponds or for any
481 other purpose. (Section 99, R.A. 10654)

482

483 **SECTION 11. Sanitation Cutting.** Sanitation cutting in forest areas, whether in
484 natural forests or plantation, shall be undertaken in a particular area infected by bark beetles
485 and in limited scale with wood borers, *Phellinus* root rot fungus and other related organisms. It
486 shall also be carried out in the recovery of damaged and fallen trees due to typhoons,
487 earthquakes and other related natural disasters.

488

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

494

495 **SECTION 13. Adoption of the Community-Based Forest Management (CBFM)**
496 **Strategy.** Settlements in the forests contribute to the denudation thereof, thus, necessitating
497 control of these areas. To this end, the CBFM shall be adopted as the national strategy to
498 achieve sustainable forestry and social justice. (E.O. 263)

499

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

506

507 **SECTION 15. Forest Protection.** All measures shall be taken to protect the forest
508 resources from destruction, impairment and depletion. (Section 37 of P.D. 705, as amended) In
509 order to achieve the effective protection of the forest lands and the resources thereof from
510 illegal entry, unlawful occupation, *kaingin*, fire, insect infestation, theft, and other forms of
511 forest destruction, the utilization of timber therein shall not be allowed except through license
512 agreements under which the holders thereof shall have the exclusive privilege to cut all the
513 allowable harvestable timber in their respective concessions, and the additional right of
514 occupation, possession, and control over the same, to the exclusion of all others, except the
515 government, but with the corresponding obligation to adopt all the protection and conservation
516 measures to ensure the continuity of the productive condition of said areas, conformably with
517 multiple use and sustained yield management. (Section 38 of P.D. 705, as amended)

518

519 **SECTION 16. Lawin System of Forest Protection.** To ensure effective forest
520 protection on the ground, the Lawin system shall be adopted. The Lawin system is a forest and

521 biodiversity system that integrates biodiversity and threats monitoring, implementation of
522 interventions to address threats and monitor the response of the forest ecosystem to the
523 management intervention.

524

525 **SECTION 17. Legal Easements.** It should be ensured that legal easements are
526 established for public use in the interest of recreation, navigation, floatage, fishing and salvage
527 in accordance with existing laws and regulations. No person shall be allowed to stay in this
528 zone longer than what is necessary for such purposes, or to build structures of any kind except
529 for ports, the construction of which shall be based on eco-friendly or nature-based processes.

530

531 The determination of legal easements shall be in accordance with the following rules:

532

533 17.1 For Urban Areas

534

535 All cities and urban municipalities shall adopt a 3-meter easement over those
536 areas classified as agricultural lands. Forestlands or Protected Areas/National
537 Parks shall adopt a 40-meter easement, even if it is part of an urban area.

538

539 17.2 For Rural Areas

540

541 Rural municipalities shall adopt a 20-meter easement for agricultural lands, and
542 40-meter easement on forestlands, Protected Areas/National Parks.

543

544 In cases where rural municipalities are upgraded into urban, their easements
545 shall be adjusted consistent with Section 5.1 of this Order upon approval of their
546 new Comprehensive Land Use Plans (CLUPs). The existing easements as
547 reflected in the old DENR Cadastral Map shall likewise be updated.

548

549 17.3 In case of Reclaimed Areas

550

551 All reclamation projects, whether in urban or rural areas, shall adopt a 40-meter
552 easement. The easement shall be measured from the banks or the edge of the
553 reclaimed portion.

554

555 If warranted under the circumstances and in order to safeguard and conserve land, the
556 LGU, through an ordinance may impose a wider easement subject to the rights of private
557 persons owning a titled land that may be affected by the imposition of wider easements under
558 Article II, Section 9 of the 1987 Constitution.

559

560 **SECTION 18. Foreshore Framework Plan and Integrated Coastal Management.**

561 The integrity of foreshore areas and the adjoining salvage zone is a critical element for
562 conserving coastal and marine areas, and shall thereafter be governed/managed according to a
563 framework plan, in consonance with the integrated coastal management plan/program.

564

565 **SECTION 19. Issuance of Area Clearance for Reclamation Projects.** In the interest
566 of environmental protection and biodiversity conservation, consistent with the principle of
567 sustainable development, no reclamation project shall be allowed unless an Area Clearance is
568 secured from the DENR. (DAO No. 2018-14)

569

570 **SECTION 20. Protected Area Management.** All identified portions of land and/or
571 water based on scientific assessment shall be set aside by reason of their outstanding
572 biodiversity, unique physical significance, and cultural biological values and placed under the
573 coverage of the NIPAS.

574

575 Protected areas under the NIPAS shall be managed by their respective Protected Area
576 Management Board (PAMB) guided by the principles of biodiversity conservation and
577 sustainable use through the DENR, in accordance with the approved Protected Area
578 Management Plan (PAMP). Rehabilitation of denuded portions of protected areas should adopt
579 the reforestation strategy wherein only indigenous and endemic tree species are used as
580 planting materials.

581

582 **SECTION 21. Sustainable Use of Resources within Protected Areas.** Sustainable
583 use of natural/biodiversity resources in protected areas may be allowed in the multiple use
584 zones subject to the requirements of the NIPAS Act, as amended, its Implementing Rules and
585 Regulations (IRR) and other rules and regulations.

586

587 Generally, these requirements include compliance to the PAMP and the EIS system,
588 payment of corresponding user fee, payment of time-time development fee in case of non-profit
589 projects of government agencies and/or instrumentalities, securing Free Prior and Informed
590 Consent (FPIC) for tenurial instruments within ancestral domains pursuant to R.A. 8371 or the
591 Indigenous Peoples' Rights Act of 1997, and compliance with the standards and conditions
592 imposed under the NIPAS Act, as amended and other existing rules and regulations.

593

594 **SECTION 22. Conservation and Protection of Caves.** The country's geologic history
595 has endowed it with numerous cave systems, which serve as unique habitats for a number of
596 species. As such, these shall be conserved, protected and managed as part of the country's
597 natural wealth. To pursue this conservation, caves shall be assessed and subsequently classified
598 and managed in accordance with a management plan to be prepared in collaboration with the
599 duly established management body. The management plan of caves located within protected
600 areas should be integrated in the PAMP.

601

602 **SECTION 23. Integration of Wildlife Protection in Government Conservation**
603 **Programs.** The DENR has numerous conservation and protection programs which shall be
604 restructured to integrate protection of wildlife and their habitats.

605

606 **SECTION 24. Protection of Threatened Species.** The Secretary shall determine
607 whether any wildlife species or subspecies is threatened, and classify the same as critically
608 endangered, endangered, vulnerable or other accepted categories based on the best scientific
609 data and with due regard to internationally accepted criteria.

610

611 The list of categorized threatened wildlife species shall be published and updated
612 regularly or as the need arises. Provided, that a species listed as threatened shall not be removed
613 therefrom within three (3) years following its initial listing. (Joint DENR-DA-PCSD AO No.
614 1, series of 2004)

615

616 **SECTION 25. Wildlife Rescue Center.** The Secretary shall establish or designate
617 wildlife rescue centers to take temporary custody and care of all confiscated, abandoned and/or
618 donated wildlife to ensure their welfare and well-being. The Secretary shall formulate

619 guidelines for the disposition of wildlife from the rescue centers. (Section 32, DENR-DA-
620 PCSD JAO No. 1, series of 2004)

621

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

627

628 **SECTION 26. Establishment of Critical Habitats.** The DENR shall designate critical
629 habitats outside protected areas under R.A. 7586, as amended by R.A. 11038, where threatened
630 species are found. Such designation shall be made on the basis of the best scientific data taking
631 into consideration species endemism and/or richness, presence of man-made pressures/threats
632 to the survival of the wildlife living in the area, among others. (Section 25, DENR-DA-PCSD
633 JAO No.1, series of 2004)

634

635 All designated critical habitats and other effective area-based conservation measures
636 (OECM) such as Local Conservation Areas and Indigenous Communities Conserved Areas
637 shall be protected, in coordination/collaboration with the local government units and other
638 concerned groups, from any form of exploitation or destruction which may be detrimental to
639 the survival of the threatened species dependent therein.

640

641 **SECTION 27. Areas Closed to Mining Applications.** No mineral contracts,
642 concessions and agreements shall be allowed in the following areas: (Section 1, E.O. 79)

643

- 644 27.1. Areas expressly stated under Section 19 of R.A. 7942 or the Mining Act;
645 27.2. Protected areas established under the NIPAS pursuant to R.A. 7586 or the
646 NIPAS Act, as amended by R.A. 11038 or the ENIPAS Act;
647 27.3. Prime agricultural lands, in addition to lands covered by R.A. 6657 or the
648 Comprehensive Agrarian Reform Law, including plantations devoted to
649 valuable crops, and strategic agriculture and fisheries development zones and
650 fish refuge and sanctuaries;
651 27.4. Tourism development areas, as identified in the National Tourism Development
652 Plan (NTDP); and
653 27.5. Other critical areas, island ecosystems, and impact areas of mining as
654 determined by current and existing mapping technologies that the DENR may
655 identify.

656

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

659

660 **SECTION 28. Sustainable Mining.** Mineral resource exploration, development,
661 utilization and conservation shall be governed by the principle of sustainable mining, which
662 provides that the use of mineral wealth shall be pro-environment and pro-people in sustaining
663 wealth creation and improved quality of life under the following terms:

664

- 665 28.1. Mining is a temporary land use for the creation of wealth which leads to an
666 optimum land use in the post-mining stage as a result of progressive and
667 engineered mine rehabilitation work done in cycle with mining operations;

668

669 28.2. Mining activities must always be guided by current best practices in
670 environmental management committed to reducing the impacts of mining and
671 effectively and efficiently protecting the environment;

672
673 28.3. The wealth accruing to the Government and communities as a result of mining
674 should also lead to other wealth generating opportunities for people and to other
675 environment-responsible endeavors.

676
677 28.4. Mining activities shall be undertaken with due and equal emphasis on economic
678 and environmental considerations, as well as for health, safety, social and
679 cultural concerns; and

680
681 28.5. Conservation of minerals is effected not only through the recycling of mineral-
682 based products to effectively lengthen the usable life of mineral commodities but
683 also through the technological efficiency of mining operations.

684
685 **SECTION 29.** Investments in commercial mining activities from both domestic and
686 international sources shall be promoted in accordance with State policies and the principles and
687 objectives herein stated.

688
689 **SECTION 30.** The granting of mining rights shall harmonize existing activities,
690 policies and programs of the Government that directly or indirectly promote self-reliance,
691 development and resource management. Activities, policies and programs that promote
692 community-based, community-oriented and processual development shall be encouraged,
693 consistent with the principles of people empowerment and grassroots development.

694 **SECTION 31. Experimental Forest.** Experimental forest refers to those forest lands
695 set aside by the DENR Secretary exclusively for scientific, educational, and research purposes.
696 (Sec. 18, P.D. 705, as amended; DENR AO No. 42, s. 1987, Sec. 1)

697
698 All areas established as experimental forests that are previously under the jurisdiction
699 of the defunct Forest Research Institute and/or Experimental Research and Development
700 Stations of the DENR Regional Offices are hereby transferred to ERDB. As such, ERDB shall
701 exercise jurisdiction over all experimental forests including the protection, development,
702 scientific use, utilization, and disposition of forest resources, as well as wildlife. (DENR AO
703 No. 42, s. 1987, Sec. 2; DENR AO No. 2014-01; DENR MO 2014-01)

704
705 Experimental forests, which are under the administration, supervision, management,
706 and/or jurisdiction of the Ecosystems Research Development Bureau (ERDB) by virtue of a
707 presidential proclamation, DENR Administrative Order and other Department policy
708 issuances, agreements, or other instruments recognizing ERDB's possessory and allied rights
709 thereto shall remain to be under ERDB's jurisdiction for educational, scientific, and research
710 purposes, except for those that are established for special purposes.

711
712 Experimental forests shall be accorded the same protection measures as a forest land.
713 ERDB may call on any DENR field office nearest to the experimental forest for the
714 enforcement of pertinent forestry and environmental laws with the ultimate goal of conserving
715 and protecting the subject experimental forest.

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**CHAPTER IV
NATURAL RESOURCES UTILIZATION AND DEVELOPMENT**

SECTION 32. Utilization and Development of Forest Land. Utilization and development of forest land should be covered by a forest tenorial instrument for long-term use. However, short-term and gratuitous uses shall be covered by the following permits;

- 32.1. Gratuitous Special Use Permit - This instrument shall cover the following nature of use:
 - 32.1.1. Public uses by the National Government or local government under instrumentalities.
 - 32.1.2. Semi-public use for improvement or structures of an association or group completely open for public use.
 - 32.1.3. Roads, bridges, public market, hospitals, schools, evacuation centers, offices, water resource development, and management facilities
 - 32.1.4. Telephone lines of government agencies and their instrumentalities
 - 32.1.5. 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.
- 32.2. Special Land Use Permit (SLUP) – a privilege granted by the State to a person to occupy, possess and manage, in consideration of specified return, any public forest lands for a specific use or purpose. (FAO 8-3, as amended)

SECTION 33. Extraction and Utilization of Forest Products. Activities pertaining to forest products extraction and utilization shall be in accordance with the following regulations:

- 33.1. Cutting, gathering, or collecting of timber shall require authorization from the DENR in the form of a permit. The permit issued for this purpose shall also authorize the holder to transport said products.
- 33.2. Cutting, gathering, or collecting forest products aside from timber shall require a permit or license from the DENR.
- 33.3. Trimming, pruning, cutting, or clearing activities for tall-growing plants within power line corridors shall not require prior clearance and permit.

SECTION 34. 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).

767 **SECTION 35. International Trade of Wood Products.** Wood products may be
768 allowed for exportation only upon prior authority and clearance from the DENR Secretary or
769 his/her duly authorized representatives. Specifically, the exporter shall secure Authority to
770 Export Wood Products and Commodity Clearance.

771
772 Only logs produced from planted trees regardless of species and lumber, except those
773 produced from naturally grown premium hardwood and banned tree species shall be allowed
774 for exportation. (DAO No. 1988-33)

775
776 **SECTION 36. Issuance of Provisional Permit.** Provisional permit shall be issued to
777 allow immediate entry or development by a public land applicant effective for a period of one
778 (1) year renewable annually until such time that the subject public land application is perfected.

779
780 **SECTION 37. Extraction, Transport, and/or Trade of Wildlife.** The extraction,
781 transport, and trade of wildlife are prohibited unless covered by an authorization instrument or
782 the following permits:

783
784 37.1. Wildlife Collector's Permit
785
786 A permit to take or collect from the wild certain species and quantities of
787 wildlife for commercial purposes.

788
789 37.2. Wildlife Farm/Culture Permit
790
791 A permit to develop, operate and maintain a wildlife breeding farm for
792 conservation, trade and/or scientific purposes.

793
794 37.3. Transport Permit
795
796 A permit issued authorizing an individual to bring wildlife from one place to
797 another within the territorial jurisdiction of the Philippines.

798
799 37.4. Export Permit
800
801 A permit authorizing an individual to bring out wildlife from the Philippines to
802 any other country.

803
804 37.5. Gratuitous Permit
805
806 A permit issued to any individual or entity engaged in non-commercial scientific
807 or educational undertaking to collect wildlife.

808
809 **SECTION 38. Mineral Resource Development.** On the various stages of Mineral
810 Resource Development, the following agreements/permits shall be issued:

811 38.1. Exploration Permit (EP)
812
813 The permit granted to any qualified person before mining operations are
814 undertaken within government reservations, or before said areas are opened for
815 Mineral Agreement/FTAA application or other mining applications. The

816 Exploration Permit shall be for a period of two (2) years from the date of
817 issuance thereof, renewable for like periods but not to exceed a total term of
818 four (4) years for non-metallic mineral exploration or six (6) years for metallic
819 mineral exploration.

820

821 38.1.1. Authority to Verify

822

823 A document issued by the DENR to verify mineral deposits for areas
824 open to mining.

825

826 38.2. Mineral Agreement (MA)

827

828 A contract between the Government and a Contractor, involving Mineral
829 Production Sharing Agreement, Co-Production Agreement, or Joint Venture
830 Agreement. The Contractor is granted the exclusive right to conduct mining
831 operations within, but not title over, the contract area. The mining operations
832 allowed include development, construction, and utilization of mineral
833 resources, including the continuance of exploration works during the conduct
834 of development, construction and utilization activities. It shall be for a period of
835 twenty-five (25), and renewable for another term not exceeding twenty-five (25)
836 years.

837 38.2.1. Mineral Production Sharing Agreement (MPSA)

838

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

844

845 38.2.2. Co-Production Agreement (CA)

846

847 An agreement between the Government and the Contractor wherein the
848 Government shall provide inputs to the mining operations other than
849 the mineral resources.

850

851 38.2.3. Joint Venture Agreement (JVA)

852

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

857 38.3. Financial or Technical Assistance Agreement (FTAA)

858

859 An agreement involving financial or technical assistance for large-scale
860 exploration, development and utilization of mineral resources. No FTAA may
861 be granted with respect to raw cement materials, marble, granites, sand and
862 gravel, and construction aggregates. It shall be for a period of twenty-five (25),
863 and renewable for another term not exceeding twenty-five (25) years. The

864 FTAA shall be approved by the President of the Republic of the Philippines,
865 upon recommendation by the DENR Secretary of the negotiated FTAA
866 application.

867
868 38.4. Special Mines Permit (SMP)

869
870 A permit granted for the extraction and/or processing of mineral/s while waiting
871 for approval of the MPSA application. It shall have a duration of one (1) year,
872 and further renewal is subject to the approval of the Mines and Geosciences
873 Bureau (MGB) Director.

874
875 38.5. Mineral Processing Permit (MPP)

876
877 A permit granted for the conduct of mineral processing. It shall be for a period
878 of five (5) years, and renewable for like periods but not to exceed twenty-five
879 (25) years.

880
881 38.6. Industrial Sand and Gravel Permit (ISGP)

882
883 A permit granted for sand and gravel extraction with mechanical processing. It
884 shall be for a period of five (5) years, and renewable for like periods but not to
885 exceed twenty-five (25) years. The area covered shall be more than five (5)
886 hectares but not to exceed twenty (20) hectares.

887
888 38.7. Special Minerals Extraction Permit (SMEP)

889
890 A permit issued for the extraction sand and gravel materials for government
891 projects, pursuant to Executive Order (EO) No. 200. It shall be coterminous
892 with the completion of the government project.

893
894 38.8. Government Seabed Quarry Permit (GSQP)

895
896 A permit granted for the dredging of marine aggregate from identified burrow
897 areas for the Government's reclamation project. It shall be coterminous with the
898 particular project.

899
900 38.8.1. Special Exploration Permit

901
902 A permit granted for the mineral exploration for marine aggregate in
903 connection with the Government's reclamation project. It shall have a
904 term of two (2) years, renewable for like period.

905
906 38.9. Ore Transport Permit

907
908 A permit granted for the transport of ore from the mining contract/permit area.

909
910 38.10. Mineral Ore Export Permit

911
912 A permit granted for the export of ore from the mining contract/permit area.

913

914 38.11. Delivery Receipt

915

916 A document granted for the transport of sand and gravel from the mining
917 contract/permit area.

918

919 The LGUs are also granted the authority to issue/approve mining tenements, which
920 include the Small-Scale Mining Permit under P.D. No. 1899, Small-Scale Mining Contract
921 under R.A. No. 7076, Quarry Permit, Sand and Gravel Permits, Gratuitous Permit for quarry,
922 sand and gravel and loose/unconsolidated materials, Guano Permit with clearance from PAWB,
923 (now BMB), Gemstone Gathering Permit, Pebble Picking Permit under DAO No. 1992-28,
924 and Ore Transport Permit/Delivery Receipt.

925

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

929

930 Applications for Exploration Permit/Mineral Agreement/FTAA within mineral
931 reservations shall be filed in the Regional Office concerned for its initial evaluation and
932 endorsement to the MGB for final evaluation. In the event that the applied area covers both a
933 Mineral Reservation and a non-Mineral Reservation, the mining applicant may file separate
934 applications covering the Mineral Reservation area and the non-Mineral Reservation area, or
935 file a single application covering the whole area, in the Regional Office concerned.

936

937 Application for Exploration Permit/Mineral Agreement/FTAA/Quarry Permit within
938 Mineral and Government Reservations shall be governed by other applicable provisions of
939 Chapters V, VI, VII and VIII of DAO No. 2010-12.

940

**CHAPTER V
ENVIRONMENTAL PROTECTION**

941

942

943 **SECTION 39.** It is the policy of the State to attain and maintain a rational and orderly
944 balance between socio-economic growth and environmental protection. (Section I of P.D.
945 1586)

946

947 **SECTION 40.** Development undertakings having significant impact on the
948 environment shall be covered by the Environmental Impact Statement (EIS) System. The levels
949 of environmental impacts shall undergo review process and shall be issued the corresponding
950 certificates:

951

952 40.1. Environmental Compliance Certificate (ECC)

953

954 A document issued by the DENR-Environmental Management Bureau (EMB)
955 after a positive review of an EIS, certifying that based on the representations of
956 the proponent, the proposed project or undertaking will not cause significant
957 negative environmental impact. The ECC also certifies that the proponent has
958 complied with all the requirements of the EIS System and has committed to
959 implement its approved Environmental Management Plan. The ECC contains
960 specific measures and conditions that the project proponent has to undertake
961 before and during the operation of a project, and in some cases, during the
962 project's abandonment phase to mitigate identified environmental impacts.

963
964 No person partnership or corporation shall undertake or operate any such
965 declared environmentally critical project or area without first securing an ECC
966 issued by the DENR-EMB.

967
968 40.2. Certificate of Non-Coverage (CNC)

969
970 A certification issued by the DENR-EMB certifying that, based on the
971 submitted project description, the project is not covered by the EIS System and
972 is not required to secure an ECC.

973
974 **SECTION 41.** Acquisition trading and/or importation of hazardous chemicals and
975 waste shall be registered and shall be issued the necessary permit.

976
977 **SECTION 42.** Treatment and processing of hazardous wastes before final disposal
978 shall be required.

979
980 **SECTION 43.** Operation of machineries especially for energy generation which may
981 emit pollutants shall be regulated and authorized by the DENR through the issuance of a permit
982 or a certificate to operate.

983
984 **CHAPTER VI**
985 **LAW ENFORCEMENT**

986
987 **SECTION 44. Jurisdiction.** Law enforcement shall be intensified at all field units of
988 the DENR. The Department shall carry out environmental law enforcement functions in the
989 entire Philippine archipelago including air space, territorial waters, exclusive economic zones,
990 continental shelves, and other areas where the Philippines exercises sovereignty and sovereign
991 rights, or jurisdiction, in accordance with Philippine and International Laws. It shall be under
992 the control and supervision of the Secretary. Moreover, major and high-profile violations shall
993 be vested on the national enforcement units created for the purpose.

994
995 Line Bureaus and attached agencies exercising concurrent enforcement authority shall
996 be responsible for undertaking the institution of appropriate actions against ENR violators and
997 offenders and shall adhere to proceedings pursuant to the relevant provisions of the Rules of
998 Procedure on Environmental Cases.

999
1000 The Rules of Procedure for Environmental Cases shall govern the procedure in civil,
1001 criminal, and special civil actions involving the enforcement or violations of ENR Laws,
1002 including actions treated as a Strategic Lawsuit Against Public Participation (SLAPP) as
1003 provided in this chapter.

1004 In cases of conflicts, the alternative dispute resolution (ADR) shall be applied at all
1005 levels as preliminary resolution mechanism.

1006
1007 **SECTION 45. Typical and Common Environmental Violations and Crimes**
1008 **According to Classifications**

1009 45.1. Green Laws – Laws that deal with the protection, conservation, utilization and
1010 development of forests, other land-based natural resources, and wildlife. Land-
1011 based wildlife also consider the forests as their habitat, thus, their inclusion

- 1012 under the green laws. Commitment of the following acts shall be prohibited and
1013 shall be subject to corresponding punitive response:
- 1014 45.1.1. P.D. No. 705 or the Revised Forestry Code, as amended and R.A. No.
1015 9175 or the Chain Saw Act
- 1016
- 1017 i. Illegal Logging (Section 68, P.D. No. 705, as amended)
- 1018 ii. Unlawful Occupation or Destruction of Forest and Grazing
1019 Lands. (Section 69, P.D. No. 705, as amended)
- 1020
- 1021 iii. Unlawful Use of Chainsaw (Section 7 [4], RA No. 9175)
- 1022 45.1.2. R.A. No. 9147 or the Wildlife Resources Conservation Act and
1023 Protection Act
- 1024 i. Killing and destroying wildlife species (Section 27 [a]);
- 1025
- 1026 ii. Inflicting injury which cripples and/or impairs the reproductive
1027 system of wildlife species (Section 27 [b]);
- 1028
- 1029 iii. Effecting any of the following acts in critical habitats (Section
1030 27[c]):
- 1031 a. Dumping of waste products detrimental to wildlife;
- 1032 b. Squatting or otherwise occupying any portion of the critical
1033 habitat;
- 1034 c. Mineral exploration and/or extraction;
- 1035 d. Burning;
- 1036 e. Logging; and
- 1037 f. Quarrying.
- 1038
- 1039 iv. Introduction, reintroduction or restocking of wildlife resources
1040 (Section 27 [d]);
- 1041
- 1042 v. Trading (Section 27[e]) of wildlife;
- 1043
- 1044 vi. Collecting, hunting, or possessing wildlife, their by-products and
1045 derivatives (Section 27[f]);
- 1046
- 1047 vii. Gathering or destroying active nests, nest trees, host plants and
1048 the like (Section 27 [g]);
- 1049
- 1050 viii. Maltreating and/or inflicting other injuries (Section 27 [h]); and
- 1051
- 1052 ix. Transporting of wildlife (Section 27[i]). This is committed when
1053 wildlife species are transported without the necessary permits,
1054 papers, and documentation from the DENR.
- 1055
- 1056 45.1.3. R.A. No. 7586 or the National Integrated Protected Areas System
1057 (NIPAS) Act, as amended by R.A. No. 11038 or the Expanded
1058 National Integrated Protected Area System (ENIPAS) Act

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- i. Poaching, killing, destroying, disturbing of any wildlife including in private lands within the protected area (Section 20[a]);
 - ii. Hunting, taking, collecting, or possessing of any wildlife, or by-products derived therefrom including in private lands within the protected area without the necessary permit, authorization or exemption (Section 20[b]);
 - iii. Cutting, gathering, removing or collecting timber within the protected area including private lands therein, without the necessary permit, authorization, certification of planted trees or exemption such as for culling exotic species (Section 20 [c]);
 - iv. Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products derived therefrom which are ascertained to have been taken from the protected area other than exotic species, the culling of which has been authorized under an appropriate permit (Section 20[d]);
 - v. Using any fishing or harvesting gear and practices or any of their variations that destroys coral reefs, seagrass beds or other marine life and their associated habitats or territorial habitat as may be determined by the Department of Agriculture (DA) or the DENR. (Section 20[e]);
 - vi. Dumping, throwing, using, or causing to be dumped into or placed in the protected area of any toxic chemicals, noxious or poisonous substance or nonbiodegradable material, untreated sewage or animal waste or products whether in liquid, solid or gas state, including pesticides and other hazardous substance as defined under Republic Act No. 6969 otherwise known as the "Toxic Substance and Hazardous and Nuclear Wastes Control Act of 1990" detrimental to the protected area, or to the plants and animals or inhabitants therein (Section 20[f]).
 - vii. Operating any motorized conveyance within the protected area without permit from the PAMB. (Section 20[g]);
 - viii. Altering, removing, destroying or defacing boundary marks or signs (Section 20[h]);
 - ix. Engaging in *kaingin* or, in any manner, causing forest fires inside the protected area (Section 20[i]);
 - x. Mutilating, defacing, destroying, excavating, vandalizing or, in any manner, damaging any natural formation, religious, spiritual, historical sites, artifacts and other objects of natural beauty, scenic value or objects of interest to IPs/ICCs; (Section 20 [j]);

- 1109
1110 xi. Damaging and leaving roads and trails in damaged condition
1111 (Section 20 [k]);
1112
1113 xii. Littering or depositing refuse or debris on the ground or in bodies
1114 of water (Section 20[l]);
1115
1116 xiii. Possessing or using blasting caps or explosives anywhere within
1117 the protected area (Section 20[m]);
1118
1119 xiv. Occupying or dwelling in any public land within the protected
1120 area without clearance from the PAMB (Section 20[n]);
1121
1122 xv. Constructing, erecting, or maintaining any kind of structure,
1123 fence or enclosure, conducting any business enterprise within the
1124 protected area without prior clearance from the PAMB and
1125 permit from the DENR, or conducting these activities in a
1126 manner that is inconsistent with the management plan duly
1127 approved by the PAMB (Section 20[o]);
1128
1129 xvi. Undertaking mineral exploration or extraction within the
1130 protected area (Section 20[p]);
1131
1132 xvii. Engaging in commercial or large-scale quarrying within the
1133 protected area (Section 20[q]);
1134
1135 xviii. Establishing or introducing exotic species, including GMOs or
1136 invasive alien species within the protected area (Section 20[r]);
1137
1138 xix. Conducting bioprospecting within the protected area without
1139 prior PAMB clearance in accordance with existing guidelines
1140 (Section 20[s]);
1141
1142 xx. Prospecting, hunting or otherwise locating hidden treasures
1143 within the protected area (Section 20[t]);
1144
1145 xxi. Purchasing or selling, mortgaging or leasing lands or other
1146 portions of the protected area which are covered by any tenurial
1147 instrument (Section 20 [u]); and
1148
1149 xxii. Constructing any permanent structure within the forty (40)-
1150 meter easement from high water mark of any natural body of
1151 water or issuing a permit for such construction pursuant to
1152 Article 51 of P.D. No. 1067 or the Water Code, (Section 20[v]).
- 1153 45.1.4. R.A. No. 9072 or the National Caves and Cave Resources
1154 Management and Protection Act
- 1155 i. Knowingly destroying, disturbing, defacing, marring,
1156 altering, removing or harming the speleogen or speleothem of

- 1157 any cave or altering the free movement of any animal or plant
1158 life in or out of any cave;
1159
1160 ii. Gathering, collecting, possessing, consuming, selling, bartering
1161 or exchanging or offering for sale without authority of any cave
1162 resource; and
1163 iii. Counseling, procuring, soliciting or employing any other person
1164 to violate any provisions stated above.
- 1165 45.1.5. R.A. No. 7942 or the Philippine Mining Act of 1995 and R.A. No.
1166 7076 or the People's Small-Scale Mining Act
- 1167 i. Transport of non-processed mineral ores or minerals without an
1168 Ore Transport Permit (Section 53);
1169
1170 ii. Trade of minerals/mineral products and by-products either
1171 locally or internationally without Accreditation from the
1172 Department (Section 54);
1173
1174 iii. Presenting any false application declaration, or evidence to the
1175 Government or publishes or causes to be published any
1176 prospectus or other information containing any false statement
1177 relating to mines, mining operations or mineral agreements,
1178 FTAA's and permits (Section 101); iv.
1179
1180 iv. Undertaking exploration work without the necessary exploration
1181 permit (Section 102);
1182
1183 v. Extracting minerals and disposing the same without a mining
1184 agreement, lease, permit, license, or steals minerals or ores or the
1185 products thereof from mines or mills or processing plants
1186 (Section 103); and
1187
1188 vi. Causing pollution by willfully violating or grossly neglecting the
1189 environmental compliance certificate (ECC) (Section 108).
- 1190 45.2. Blue Laws – Referring to the color of the seas, oceans, and other bodies of water,
1191 blue laws refer to laws which deal with the protection, conservation and
1192 utilization of waters, marine life, and aquatic resources. Blue laws encompass
1193 both inland waters such as rivers, lakes, and streams, and the seas and oceans,
1194 whether part of the country's territory or not.
- 1195 45.2.1. R.A. No. 8550 or the Philippine Fisheries Code of 1998
- 1196 i. Poaching (Section 87);
1197
1198 ii. Fishing through illegal means. Illegal fishing can be done
1199 through any of the following:
1200
1201 a. Use or possession of explosives, noxious and poisonous
1202 substances, and electricity (Section 88);

- 1203 b. Use of fine mesh net except for certain species (Section 89);
1204 c. Use of active fishing gear/s in municipal waters, at bays, or
1205 fishery management areas (Section 90);
1206 d. Fishing with gear or method that destroys coral reefs and
1207 other marine habitats, such as *muro-ami* (Section 92);
1208 e. Use of superlight (Section 93).
1209
1210 iii. Fishing in prohibited and restricted areas. This type of violation
1211 can be any one of the following:
1212
1213 a. Commercial fishing in overexploited areas (Section 86);
1214 b. Fishing in overfished areas and during closed season
1215 (Section 95);
1216 c. Fishing in areas declared as fishery reserves, refuges, and
1217 sanctuaries (Section 96);
1218 d. Violation of catch ceilings (Section 101).
1219
1220 iv. Illegal gathering, possessing, catching, and selling of certain
1221 marine species. The violations covered here are the following:
1222
1223 a. Gathering, sale or export of precious and semi-precious
1224 corals (Section 91);
1225 b. Gathering, selling, or exporting white sand, silica, pebbles,
1226 and other substances of the marine habitat (Section 92);
1227 c. Fishing of rare, threatened, and endangered species (Section
1228 97).
1229
1230 v. Aquatic Pollution (Section 102). This violation has been defined
1231 in R.A. No. 8550 as the introduction by human or machine,
1232 directly or indirectly, of substances or energy to the aquatic
1233 environment which result or is likely to result in such deleterious
1234 effects as to harm the marine environment and human health. It
1235 includes activities such as fishing and navigation, transportation,
1236 and deforestation.
1237
1238 vi. Construction and operation of fish pens without a license/permit
1239 (Section 103[e]) and obstruction to navigation or flow and ebb
1240 of tide in any stream, river, lake, or bay (Section 103[d]): These
1241 two forms of violations can directly or indirectly cause pollution
1242 of waterways, siltation, and flooding. The natural flow of the
1243 rivers and other bodies of water needs to be maintained in order
1244 to ensure the continued ecological balance of the same.
- 1245 45.2.2. R.A. No. 4850 or the Laguna Lake Development Authority (LLDA)
1246 Act wherein the penal and civil liability clause is provided under
1247 Section 39-A. The LLDA Board has issued several Resolutions
1248 providing for the violations and the corresponding penalties. The law
1249 specifically punishes the following acts most commonly violated:
1250

- 1251 i. General prohibitions (Section 27, Resolution No 33) which
1252 include: undertaking development or a project without LLDA
1253 clearance; disposal or throwing of any organic or inorganic
1254 substance in water form that causes pollution; disposal of toxic
1255 and/or hazardous substances without authorization from the
1256 LLDA.
- 1257 45.3. Brown Laws – Laws and rules which deal with pollution control and the
1258 regulation of activities which could affect the environment. These laws and
1259 rules include those which control hazardous and toxic wastes and chemicals,
1260 solid waste management, and rules on the conduct of environmental impact
1261 assessments.
- 1262
- 1263 45.3.1. R.A. No. 6969 or the Toxic Substances and Hazardous and Nuclear
1264 Wastes Control Act of 1990. The following acts and omissions shall
1265 be considered as administrative violations:
- 1266
- 1267 i. All acts and omissions mentioned under Section 13 (a to c);
- 1268
- 1269 ii. Failure or refusal to subject for testing chemical substances and
1270 mixtures that present unreasonable risk or injury to health or to
1271 the environment before said chemical substances and mixtures
1272 are manufactured or imported for the first time;
- 1273
- 1274 iii. Failure or refusal to subject for testing chemical substances and
1275 mixtures which are presently being manufactured or processed
1276 if there is a reason to believe that said chemical substances and
1277 mixtures pose unreasonable risk or injury to health and the
1278 environment;
- 1279
- 1280 iv. Refusing, obstructing or hampering the entry of authorized
1281 representatives of the Secretary into any establishment in which
1282 chemicals are processed, manufactured, stored or held before or
1283 after their commercial distribution during reasonable hours for
1284 the purpose of conducting an inspection;
- 1285
- 1286 v. Failure or refusal to notify the Department with the type and
1287 quantity of hazardous wastes generated and to provide quarterly
1288 report of waste generation;
- 1289
- 1290 vi. Failure or refusal to secure permit or authorization from the
1291 Department prior to transport, storage, or disposal of hazardous
1292 wastes;
- 1293
- 1294 vii. Failure or refusal to secure approval from the Department prior
1295 to conduct of any importation or exportation of hazardous
1296 substances as provided for in Section 31 of these Rules and
1297 Regulations;
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- viii. Failure or refusal to provide proper labeling as provided for under Section 29 of these Rules and Regulations regarding hazardous waste storage and labeling; and
- ix. Failure or refusal to comply with subpoena or subpoena duces tecum issued by the Secretary or his duly authorized representative.
- 45.3.2. R.A. No. 8749 or the Philippine Clean Air Act of 1999
- 1308
1309
- i. Violation of standards for stationary sources and motor vehicles (Sections 45 and 46).
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- 45.3.3. R.A. No. 9275 or the Philippine Clean Water Act of 2004
- i. Water Pollution – This violation specifically includes pollution of water body (Section 27[a]);
- ii. Groundwater pollution (Section 27[b]);
- iii. Chemical dumping (Section 27[f]); and
- iv. Illegal discharge (Section 27[i]).
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- 45.3.4. R.A. No. 9003 or the Ecological Solid Waste Management Act of 2000
- i. Illegal dumping and disposal of wastes:
- a. Littering (Section 48[1]),
- b. Open burning of solid waste (Section 48[3]), and
- c. Dumping in flood-prone areas (Section 48[6]).
- ii. Illegal dumpsites and waste disposal facilities:
- a. Establishing and operating open dumps (Section 48[9]); and
- b. Construction and operation of a landfill near a watershed, reservoir, or aquifer (Section 48[16]).
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- 45.3.5. P.D. No. 1586 or the Philippine Environmental Impact Statement System
- i. Violation of the EIS, the terms and conditions of the ECC and other rules and regulations (Section 9, P.D. No. 1586).
- Any person, corporation or partnership found violating Section 4 of Presidential Decree No. 1586, or the terms and conditions in the issuance of the Environmental Compliance Certificate, or of the standards, rules and regulations issued by the Environmental Management Bureau shall be punished the suspension or cancellation of his/its certificate and/or a fine in an amount not to exceed fifty thousand pesos (50,000.00) for every violation thereof, at the discretion of the Environmental Management Bureau.

1348 The EMB Director or the EMB-RD may issue a Cease and Desist
1349 Order (CDO) based on violations under the Philippine EIS
1350 System to prevent grave or irreparable damage to the
1351 environment. Such CDO shall be effective immediately. An
1352 appeal or any motion seeking to lift the CDO shall not stay its
1353 effectivity. However, the DENR shall act on such appeal or
1354 motion within ten (10) working days from filing.

1355
1356 The EMB may publish the identities of firms that are in violation
1357 of the EIA Law and its Implementing Rules and Regulations
1358 despite repeated Notices of Violation and/or Cease and Desist
1359 Orders.

1360 **SECTION 46. Penalties for Violation of ENR Laws and Policies.** The following
1361 penalties shall apply to violations of the ENR laws and policies.
1362

1363
1364 46.1. Environmental Management Laws

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1366 46.1.1. P.D. 1586

1367
1368 Any person, corporation or partnership found violating Section 4 of
1369 Presidential Decree No. 1586, or the terms and conditions in the issuance
1370 of the Environmental Compliance Certificate, or of the standards, rules
1371 and regulations issued by the Environmental Management Bureau shall
1372 be punished the suspension or cancellation of his/its certificate and/or a
1373 fine in an amount not to exceed fifty thousand pesos (50,000.00) for
1374 every violation thereof, at the discretion of the Environmental
1375 Management Bureau.

1376
1377 The EMB Director or the EMB-RD may issue a Cease and Desist Order
1378 (CDO) based on violations under the Philippine EIS System to prevent
1379 grave or irreparable damage to the environment. Such CDO shall be
1380 effective immediately. An appeal or any motion seeking to lift the CDO
1381 shall not stay its effectivity. However, the DENR shall act on such
1382 appeal or motion within ten (10) working days from filing.

1383
1384 The EMB may publish the identities of firms that are in violation of the
1385 EIA Law and its Implementing Rules and Regulations despite repeated
1386 Notices of Violation and/or Cease and Desist Orders.

1387
1388 46.1.2. R.A. 6969

- 1389
1390 a. The amount of Fifty Thousand Pesos (PhP 50,000.00) for the non-
1391 registration pursuant to the provisions of Title II, DAO No. 1992-
1392 29;
1393 b. The amount of Forty Thousand Pesos (PhP 40,000.00) for operating
1394 with an expired Permit/Clearance;
1395 c. Non-compliance with the conditions of the Permit/Clearance issued
1396 shall be graduated as follows:

- 1397 i. The amount of Ten Thousand Pesos (PhP 10,000.00) for non-
1398 compliance with one or two conditions of the permit/clearance.
1399 ii. The amount of Twenty Thousand Pesos (PhP 20,000.00) for
1400 non-compliance with three or four conditions of the
1401 permit/clearance.
1402 iii. The amount of Thirty Thousand Pesos (PhP 30,000.00) for non-
1403 compliance with four or more conditions of the permit/clearance.
1404 iv. The amount of Forty Thousand Pesos (PhP 40,000.00) for non-
1405 compliance with four or more conditions of the permit/clearance
1406 and other environmental requirements of the DENR.
1407
1408 d. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1409 imposed against persons or entities who committed
1410 misrepresentation, inaccurate or inconsistent data/information
1411 submitted;
1412 e. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1413 imposed against person or entities who in the possession or handling
1414 of the said chemicals, caused environmental damages and other
1415 forms of environmental degradation, i.e., spillage, leak, poisoning,
1416 and fire accidents, among others.

1417 The prescribed fines and penalties shall be without prejudice to the
1418 authority of the DENR or the EMB to impose any other order, such as
1419 the cancellation of the permit in case the commission of the offense has
1420 caused environmental damage, or great risk to public health, as may be
1421 warranted by other existing guidelines on the matter.
1422

1423 The following administrative fines are imposed on the prohibited acts
1424 relative to the management of hazardous waste, in addition to that
1425 provided under DAO No. 1992-29:
1426

- 1427 1. General Administrative Violations
1428 a. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1429 imposed for failure to provide appropriate information to the
1430 DENR upon registration;
1431 b. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1432 imposed for the submission of documents containing false
1433 information;
1434 c. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1435 imposed for failure to comply with each condition of a permit
1436 relative to DAO No. 2013-22;
1437 d. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1438 imposed for failure to comply with the labelling requirements;
1439 e. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1440 imposed for failure to place placards on the conveyance/vehicle;
1441 f. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1442 imposed for failure to comply with the subpoena or subpoena
1443 *duces tecum* issued by the Secretary or his duly authorized
1444 representative;

- 1445 g. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1446 imposed for failure to provide the required information within
1447 the period mandated by DAO No. 2013-22 or other relative
1448 issuances; and
1449 h. The amount of Ten Thousand Pesos (PhP 10,000.00) shall be
1450 imposed for violation of any of the provisions on the Governing
1451 Rules and Regulations.
1452
1453 2. Waste Generators
1454 a. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1455 imposed for failure to submit a completed copy of the Hazardous
1456 Waste Manifest Form; and
1457 b. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1458 imposed for performing the function of a TSD Facility without
1459 the appropriate TSD Facility Permit.
1460
1461 3. Waste Transporters
1462 a. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1463 imposed for conveying or transporting hazardous wastes without
1464 the proper manifest forms;
1465 b. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1466 imposed for conveying or transporting hazardous wastes without
1467 the proper labels and placards; and
1468 c. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1469 imposed for conveying or transporting hazardous wastes in
1470 transports not suitable for the hazardous waste being transported.
1471
1472 4. Treatment, Storage and Disposal (TSD) Facilities
1473 a. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1474 imposed for accepting hazardous wastes without the proper
1475 manifest;
1476 b. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1477 imposed for storing, recycling, reprocessing, treating, or
1478 disposing of hazardous wastes at a TSD Facility without the
1479 appropriate TSD Facility permit; and
1480 c. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1481 imposed for failure to notify the DENR of the residuals
1482 generated as a consequence of its recycling, reprocessing, or
1483 treatment activities.
1484
1485 5. Importers and Exporters
1486 a. The amount of Fifty Thousand Pesos (PhP 50,000.00) shall be
1487 imposed for importing recyclable materials containing
1488 hazardous substances without securing import clearance from
1489 the DENR; and
1490 b. Exporting hazardous wastes or materials containing hazardous
1491 substances without securing an export clearance from the
1492 DENR.
1493

1494 Any violation specified in the rules and regulations on the Chemical
1495 Control Orders, Priority Chemical Lists, and PMPIN, shall be subject to
1496 administrative and criminal penalties and liabilities as specified under
1497 Title V, Chapter XI, Sections 41 and 42 of DAO 29, Series of 1992,
1498 pursuant to Section 13, 14 and 15 of R.A. 6969.

1499
1500 46.1.3. R.A. 9003

1501 a. Any person who violates Section 48 paragraph (1) of R.A. 9003
1502 shall, upon conviction, be punished with a fine of not less than Three
1503 hundred pesos (P300.00) but not more than One thousand pesos
1504 (P1,000.00) or render community service for not less than one (1)
1505 day to not more than fifteen (15) days to an LGU where such
1506 prohibited acts are committed, or both; (Section 49.a)

1507
1508 b. Any person who violates Section 48, pars. (2) and (3) of R.A. 9003,
1509 shall, upon conviction be punished with a fine of not less than Three
1510 hundred pesos (P300.00) but not more than One thousand pesos
1511 (P1,000.00) or imprisonment of not less than one (1) day but not
1512 more than fifteen (15) days, or both; (Section 49.b)

1513
1514 c. Any person who violates Section 48, pars. (4), (5), (6) and (7) of
1515 R.A. 9003 shall, upon conviction, be punished with a fine of not less
1516 than One thousand pesos (P1,000.00) but not more than Three
1517 thousand pesos (P3,000.00) or imprisonment of not less than fifteen
1518 (15) day but not more than six (6) months, or both; (Section 49.c)

1519 d. Any person who violates Section 48, pars (8), (9), (10) and (11) of
1520 R.A. 9003 for the first time shall, upon conviction, pay a fine of Five
1521 hundred thousand pesos (P500,000.00) plus and amount not less
1522 than five percent (5%) but not more than ten percent (10%) of his
1523 net annual income during the previous year. (Section 49.d)

1524
1525 The additional penalty of imprisonment of a minimum period of one
1526 (1) year but not to exceed three (3) years at the discretion of the
1527 court, shall be imposed for second or subsequent violations of Sec.
1528 48, pars. (9) and (10).

1529
1530 e. Any person who violates Section 48, pars. (12) and (13) of R.A.
1531 9003 shall, upon conviction, be punished with a fine not less than
1532 Ten thousand pesos (P10,000.00) but not more than Two hundred
1533 thousand pesos (P200,000.00) or imprisonment of not less than
1534 thirty (30) days but not more than three (3) years, or both; (Section
1535 49.e)

1536
1537 f. Any person who violates Section 48, pars. (14), (15) and (16) of R.A.
1538 9003 shall, upon conviction, be punished with a fine not less than
1539 One hundred thousand pesos (P100,000.00) but not more than One
1540 million pesos (P1,000,000.00), or imprisonment not less than one (1)
1541 year but not more than six (6) years, or both. (Section 49.f)

1542

1543 If the offense is committed by a corporation, partnership, or other
1544 juridical identity duly recognized in accordance with the law, the chief
1545 executive officer, president, general manager, managing partner or such
1546 other officer-in-charge shall be liable for the commission of the offense
1547 penalized under R.A. 9003.

1548
1549 If the offender is an alien, he shall, after service of the sentence
1550 prescribed above, be deported without further administrative
1551 proceedings.

1552
1553 The fines herein prescribed shall be increased by at least ten (10%)
1554 percent every three (3) years to compensate for inflation and to maintain
1555 the deterrent functions of such fines.

1556
1557 *Administrative Sanctions.* Local government officials and officials of
1558 government agencies concerned who fail to comply with and enforce
1559 rules and regulations promulgated relative to this Act shall be charged
1560 administratively in accordance with R.A. 7160 or the Local Government
1561 Code and other existing laws, rules and regulations.

1562
1563 46.1.4. R.A. 8749

1564 a. Violation of standards for stationary sources

1565
1566 For actual exceedance of any pollution or air quality standards under
1567 R.A. 8749 or its rules and regulations, the Department, through the
1568 Pollution Adjudication Board (PAB), shall impose a fine of not more
1569 than One hundred thousand pesos (P100,000.00) for every day of
1570 violation against the owner or operator of a stationary source until
1571 such time that the standards have been complied with.

1572 For purposes of the application of the fines, the PAB shall prepare a
1573 fine rating system to adjust the maximum fine based on the violator's
1574 ability to pay, degree of willfulness, degree of negligence, history of
1575 non-compliance and degree of recalcitrance: *Provided*, That in case
1576 of negligence, the first time offender's ability to pay may likewise be
1577 considered by the Pollution Adjudication Board: *Provided, Further*,
1578 That in the absence of any extenuating or aggravating circumstances,
1579 the amount of fine for negligence shall be equivalent to one-half of
1580 the fine for willful violation.

1581
1582 The fines herein prescribed shall be increased by at least ten percent
1583 (10%), every three (3) years to compensate for inflation and to
1584 maintain the deterrent function of such fines.

1585
1586 In addition to the fines, the PAB shall order closure, suspension of
1587 development, construction, or operations of the stationary sources
1588 until such time that proper environmental safeguards are put in
1589 place: *Provided*, That an establishment liable for a third offense shall
1590 suffer permanent closure immediately. This paragraph shall be
1591 without prejudice to the immediate issuance of an ex parte order for

1592 such closure, suspension of development or construction, or
1593 cessation of operations during the pendency of the case upon prima
1594 facie evidence that there is imminent threat to life, public health,
1595 safety or general welfare, or to plant or animal life, or whenever
1596 there is an exceedance of the emission standards set by the
1597 Department and/or the Board and/or the appropriate LGU.

1598 b. Violation of standards for motor vehicles

1599
1600 No motor vehicle shall be registered with the Department of
1601 Transportation (DOTr) unless it meets the emission standards set by
1602 the Department as provided in Section 21 of R.A. 8749.

1603
1604 Any vehicle suspected of violation of emission standards through
1605 visual signs, such as, but not limited to smoke-belching, shall be
1606 subjected to an emission test by a duly authorized emission testing
1607 center. For this purpose, the DOTr or its authorized testing center
1608 shall establish a roadside inspection system. Should it be shown that
1609 there was no violation of emission standards, the vehicle shall be
1610 immediately released. Otherwise, a testing result indicating an
1611 exceedance of the emission standards would warrant the continuing
1612 custody of the impounded vehicle unless the appropriate penalties
1613 are fully paid, and the license plate is surrendered to the DOTr
1614 pending the fulfillment of the undertaking by the owner/operator of
1615 the motor vehicle to make the necessary repairs so as to comply with
1616 the standards. A pass shall herein be issued by the DOTr to authorize
1617 the use of the motor vehicle within a specified period that shall not
1618 exceed seven (7) days for the sole purpose of making the necessary
1619 repairs on the said vehicle. The owner/operator of the vehicle shall
1620 be required to correct its defects and show proof of compliance to
1621 the appropriate pollution control office before the vehicle can be
1622 allowed to be driven on any public or subdivision roads.

1623
1624 In addition, the driver and operator of the apprehended vehicle shall
1625 undergo a seminar on pollution control management conducted by
1626 the DOTr and shall also suffer the following penalties:

1627
1628 i. First Offense - a fine not to exceed Two Thousand Pesos
1629 (P2,000.00);

1630
1631 ii. Second Offense - a fine not less than Two Thousand Pesos
1632 (P2,000.00) and not to exceed Four Thousand Pesos (P4,000.00);
1633 and

1634
1635 iii. Third offense - one (1) year suspension of the Motor Vehicle
1636 Registration (MVR) and a fine of not less than Four Thousand
1637 Pesos (P4,000.00) and not more than Six thousand pesos
(P6,000.00).

1638 Any violation of the provisions of Sec. 21 paragraph (d) with regard
1639 to national inspection and maintenance program, including

1640 technicians and facility compliance shall penalized with a fine of not
1641 less than Thirty Thousand Pesos (P30,000.00) or cancellation of
1642 license of both the technician and the center, or both, as determined
1643 by the DTI.

1644
1645 All law enforcement officials and deputized agents accredited to
1646 conduct vehicle emissions testing and apprehensions shall undergo
1647 a mandatory training on emission standards and regulations. For this
1648 purpose, the Department, together with the DOTr, Department of
1649 Trade and Industry (DTI), Department of Science and Technology
1650 (DOST), Philippine National Police (PNP) and other concerned
1651 agencies and private entities shall design a training program.
1652

1653 c. For violations of all other provisions provided in R.A. 8749 and of
1654 the rules and regulations thereof, a fine of not less than Ten thousand
1655 pesos (P10,000) but not more than One Hundred thousand Pesos
1656 (P100,000) or six (6) months to six (6) years imprisonment or both
1657 shall be imposed. If the offender is a juridical person, the president,
1658 manager, directors, trustees, the pollution control officer or the
1659 officials directly in charge of the operations shall suffer the penalty
1660 herein provided.
1661

1662 d. In case of gross violation of R.A. 8749 or its implementing rules and
1663 regulations, the PAB shall recommend to the proper government
1664 agencies to file the appropriate criminal charges against the
1665 violators. The PAB shall assist the public prosecutor in the litigation
1666 of the case. Gross violation shall mean:
1667

- 1668 i. three (3) or more specific offenses within a period of one (1)
1669 year;
1670 ii. three (3) or more specific offenses with three (3) consecutive
1671 years;
1672 iii. blatant disregard of the orders of the PAB, such s but not limited
1673 to the breaking of seal, padlocks and other similar devices, or
1674 operation despite the existence of an order for closure,
1675 discontinuance or cessation of operation; and
1676 iv. irreparable or grave damage to the environment as a
1677 consequence of any violation of the provisions of this Act.
1678

1679 Offenders shall be punished with imprisonment of not less than six (6)
1680 years but not more than ten (10) years at the discretion of the court. If
1681 the offender is a juridical person, the president, manager, directors,
1682 trustees, the pollution control officer or the officials directly in charge
1683 of the operations shall suffer the penalty herein provided.

1684 46.1.5. R.A. 9275

1685
1686 Unless otherwise provided in R.A. 9275, any person who commits any
1687 of the prohibited acts or violates any of the provision of the law or its

1688 implementing rules and regulations, shall be fined by the Secretary,
1689 upon the recommendation of the PAB in the amount of not less than Ten
1690 thousand pesos (P10,000.00) nor more than Two hundred thousand
1691 pesos (P200,000.00) for every day of violation. The fines herein
1692 prescribed shall be increased by ten percent (10%) every two (2) years
1693 to compensate for inflation and to maintain the deterrent function of such
1694 fines: *Provided*, That the Secretary, upon recommendation of the PAB
1695 may order the closure, suspension of development or construction, or
1696 cessation of operations or, where appropriate disconnection of water
1697 supply, until such time that proper environmental safeguards are put in
1698 place and/or compliance with R.A. 9275 or its rules and regulations are
1699 undertaken. This paragraph shall be without prejudice to the issuance of
1700 an *ex parte* order for such closure, suspension of development or
1701 construction, or cessation of operations during the pendency of the case.
1702

1703 Failure to undertake clean-up operations, willfully, or through gross
1704 negligence, shall be punished by imprisonment of not less than two (2)
1705 years and not more than four (4) years and a fine not less than Fifty
1706 thousand pesos (P50,000.00) and not more than One hundred thousand
1707 pesos (P100,000.00) per day for each day of violation. Such failure or
1708 refusal which results in serious injury or loss of life and/or irreversible
1709 water contamination of surface, ground, coastal and marine water shall
1710 be punished with imprisonment of not less than six (6) years and one
1711 day and not more than twelve (12) years, and a fine of Five Hundred
1712 Thousand Pesos (P500,000.00) per day for each day during which the
1713 omission and/or contamination continues.
1714

1715 In case of gross violation of R.A. 9275, the PAB shall issue a resolution
1716 recommending that the proper government agencies file criminal
1717 charges against the violators. Gross violation shall mean any of the
1718 following:

- 1719 i. deliberate discharge of toxic pollutants identified pursuant to R.A.
1720 No. 6969 in toxic amounts;
1721 ii. five (5) or more violations within a period of two (2) years; or
1722 iii. blatant disregard of the orders of the PAB, such as the non-payment
1723 of fines, breaking of seals or operating despite the existence of an
1724 order for closure, discontinuance or cessation of operation.

1725 In which case, offenders shall be punished with a fine of not less than
1726 Five hundred thousand pesos (P500,000.00) but not more than Three
1727 million pesos (P3,000,000.00) per day for each day of violation or
1728 imprisonment of not less than six (6) years but not more than ten (10)
1729 years, or both, at the discretion of the court. If the offender is a juridical
1730 person, the president, manager and the pollution control officer or the
1731 official in charge of the operation shall suffer the penalty herein
1732 provided.
1733

1734 For violations falling under Section 4 of Presidential Decree No. 979 or
1735 any regulations prescribed in pursuance thereof, such person shall be
1736 liable for a fine of not less than Fifty thousand pesos (P50,000.00) nor

1737 more than One million pesos (P1,000,000.00) or by imprisonment of not
1738 less than one (1) year nor more than six (6) years or both, for each
1739 offense, without prejudice to the civil liability of the offender in
1740 accordance with existing laws. If the offender is a juridical entity, then
1741 its officers, directors, agents or any person primarily responsible shall
1742 be held liable: *Provided*, That any vessel from which oil or other harmful
1743 substances are discharged in violation of Section 4 of Presidential
1744 Decree No. 979 shall be liable for penalty of fine specified in the
1745 immediately preceding paragraph and clearance of such vessel from the
1746 port of the Philippines may be withheld until the fine is paid and such
1747 penalty shall constitute a lien on such vessel which may be recovered in
1748 proceedings by libel in *rem* in the proper court which the vessel may be.
1749 The owner or operator of a vessel or facility which discharged the oil or
1750 other harmful substances will be liable to pay for any clean-up costs.

1751
1752 *Provided, finally*, That water pollution cases involving acts or omissions
1753 - committed within the Laguna Lake Region shall be dealt with in
1754 accordance with the procedure under R. A. No.4850, as amended.

1755
1756 *Administrative Sanctions Against Non-compliance with the Water*
1757 *Quality Management Area Action Plan* - Local government officials
1758 concerned shall be subject to administrative sanctions in case of failure
1759 to comply with their action plan accordance with the relevant provisions
1760 of R.A. 7160.

1761

46.2. Biodiversity Management Laws

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46.2.1. R.A. 7586, as amended by R.A. 11038

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- a. A fine of not less than P200,000 but not more than P 1 Million pesos or imprisonment from 1 year but not more than 6 years, or both, plus damages of triple the value of the said resources, or both, shall be imposed upon any person who commit violations under items (a) to (e) of Section 20 of R.A. 7586, as amended by R.A. 11038;
- b. A fine of not less than P200,000 but not more than P 1 Million pesos or imprisonment from 1 year but not more than 6 years, or both, shall be imposed upon any person who commit violations under items (f) to (n), Section 20 of R.A. 7586, as amended by R.A. 11038;
- c. A fine of not less than P 1 Million pesos but not more than P5 Million pesos or imprisonment from 6 years but not more than 12 years, or both, shall be imposed upon any person who commit violations under items (o) to (v) of Section 20 of R.A. 7586, as amended by R.A. 11038;
- d. A fine of P 50,000 daily shall be imposed on the owner of existing facilities within a protected area under Section 24 of R.A. 7586, as amended by R.A. 11038, if the existence of the same and its future plans and operations will be detrimental to the protected area. For

1786 every continuing violation, or if the violation continues to be
1787 committed for 30 days and upon reaching a total fine of P500,000,
1788 the PAMB, through the PASU and other deputized government
1789 entities, shall cause the cessation of operation and either forfeit in
1790 favor of the PAMO or demolish the facility at the cost of its owner.
1791 If the facility is government-owned, the agency in charge shall
1792 submit a plan for substitute facility that complies with the protected
1793 area standards and, within 1 year, execute the approved PAMP; and

1794 e. Administrative fines of not less than P 50,000, but not exceeding P5
1795 Million pesos, shall be imposed by the DENR Secretary for the
1796 violation of any rule, regulation, or provision of any agreement
1797 reached with the PAMB: Provided, that if an area which has
1798 sustained damage from any activity conducted therein requires
1799 rehabilitation or restoration as determined by the court, the offender
1800 shall be required to restore or pay compensation for such damages,
1801 which payment shall accrue to the integrated protected area fund
1802 (IPAF).
1803

1804 46.2.2. R.A. 9147

1805
1806 For violations under Section 27.a (killing and destroying wildlife
1807 species):
1808

- 1809 a. imprisonment of a minimum of six (6) years and one (1) day to
1810 twelve (12) years and/or a fine of One hundred thousand pesos
1811 (100,000.00) to One million pesos (1,000,000.00), if inflicted or
1812 undertaken against species listed as critical;
1813 b. imprisonment of four (4) years and one (1) day to six (6) years and/or
1814 a fine of Fifty thousand pesos (P50,000.00) to Five hundred
1815 thousand pesos (P500,000.00), if inflicted or undertaken against
1816 endangered species;
1817 c. imprisonment of two (2) years and one (1) day to four (4) years
1818 and/or a fine of Thirty thousand pesos (P30,000.00) to Three
1819 hundred thousand pesos (P300,000.00), if inflicted or undertaken
1820 against vulnerable species;
1821 d. imprisonment of one (1) year and one (1) day to two (2) years and/or
1822 a fine of Twenty thousand pesos (P20,000.00) to Two hundred
1823 thousand pesos (P200,000.00), if inflicted or undertaken against
1824 other threatened species; and
1825 e. imprisonment of six (6) months and one (1) day to one (1) year
1826 and/or a fine of Ten thousand pesos (P10,000.00) to One hundred
1827 thousand pesos (P100,000.00), if inflicted or undertaken against
1828 other wildlife species.
1829

1830 For violations under Section 27.b (inflicting injury which cripples and/or
1831 impairs the reproductive system of wildlife species):
1832

- 1833 a. imprisonment of a minimum of four (4) years and one (1) day to six
1834 (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five

- 1835 hundred thousand pesos (P500,000.00), if inflicted or undertaken
1836 against species listed as critical;
1837 b. imprisonment of two (2) years and one (1) day to four (4) years
1838 and/or a fine of Thirty thousand pesos (P30,000.00) to Two hundred
1839 thousand pesos (P200,000.00), if inflicted or undertaken against
1840 endangered species;
1841 c. imprisonment of one (1) year and one (1) day to two (2) years and/or
1842 a fine of Twenty thousand pesos (P20,000.00) to Two hundred
1843 thousand pesos (P200,000.00), if inflicted or undertaken against
1844 vulnerable species;
1845 d. imprisonment of six (6) months and one (1) day to one (1) year
1846 and/or a fine of Ten thousand pesos (P10,000.00) to Fifty thousand
1847 pesos (P50,000.00), if inflicted or undertaken against other
1848 threatened species; and
1849 e. imprisonment of one (1) month to six (6) months and/or a fine of
1850 Five thousand pesos (P5,000.00) to Twenty thousand pesos
1851 (P20,000.00), if inflicted or undertaken against other wildlife
1852 species.

1853
1854 For illegal acts under paragraphs c and d, Section 26 of R.A. 9147, an
1855 imprisonment of one (1) month to eight (8) years and/or a fine of five
1856 thousand pesos (P5,000.00) to five million pesos (P5,000,000.00) shall
1857 be imposed.
1858

1859 For violations under Section 27.e (trading of wildlife):
1860

- 1861 a. imprisonment of two (2) years and one (1) day to four (4) years
1862 and/or a fine of Five thousand pesos (P5,000.00) to Three hundred
1863 thousand pesos (P300,000.00), if inflicted or undertaken against
1864 species listed as critical;
1865 b. imprisonment of one (1) year and one (1) day to two (2) years and/or
1866 a fine of Two thousand pesos (P2,000.00) to Two hundred thousand
1867 pesos (P200,000.00) if inflicted or undertaken against endangered
1868 species;
1869 c. imprisonment of six (6) months and one (1) day to one (1) year
1870 and/or a fine of One thousand pesos (P1,000.00) to One hundred
1871 thousand pesos (P100,000.00), if inflicted or undertaken against
1872 vulnerable species;
1873 d. imprisonment of one (1) month and one (1) day to six (6) months
1874 and/or a fine of Five hundred pesos (P500.00) to Fifty thousand
1875 pesos (P50,000.00), if inflicted or undertaken against species listed
1876 as other threatened species; and
1877 e. imprisonment of ten (10) days to one (1) month and/or a fine of Two
1878 hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if
1879 inflicted or undertaken against other wildlife species.
1880

1881 For violations under Section 27.f (collecting, hunting, possessing
1882 wildlife, their by-products and derivatives):
1883

- 1884 a. imprisonment of two (2) years and one (1) day to four (4) years and
1885 a fine of Thirty thousand pesos (P30,000.00) to Three hundred
1886 thousand pesos (P300,000.00), if inflicted or undertaken against
1887 species listed as critical;
1888 b. imprisonment of one (1) year and one (1) day to two (2) years and a
1889 fine of Twenty thousand pesos (P20,000.00) to Two hundred
1890 thousand pesos (P200,000.00), if inflicted or undertaken against
1891 endangered species;
1892 c. imprisonment of six (6) months and one (1) day to one (1) year and
1893 a fine of Ten thousand pesos (P10,000.00) to One hundred thousand
1894 pesos (P100,000.00), if inflicted or undertaken against vulnerable
1895 species;
1896 d. imprisonment of one (1) month and one (1) day to six (6) months
1897 and a fine of Five thousand pesos (P5,000.00) to Fifty thousand
1898 pesos (P50,000.00), if inflicted or undertaken against species listed
1899 as other threatened species; and
1900 e. imprisonment of ten (10) days to one (1) month and a fine of One
1901 thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if
1902 inflicted or undertaken against other wildlife species: Provided, That
1903 in case of paragraph (f), where the acts were perpetuated through the
1904 means of inappropriate techniques and devices, the maximum
1905 penalty herein provided shall be imposed.
1906

1907 For violations under Section 27.g (gathering, or destroying of active
1908 nests, nest trees, host plants and the like):
1909

- 1910 a. imprisonment of two (2) years and one (1) day to four (4) years and
1911 a fine of Thirty thousand pesos (P30,000.00) to Three hundred
1912 thousand pesos (P300,000.00), if inflicted or undertaken against
1913 species listed as critical;
1914 b. imprisonment of one (1) year and one (1) day to two (2) years and a
1915 fine of Twenty thousand pesos (P20,000.00) to Two hundred
1916 thousand pesos (P200,000.00), if inflicted or undertaken against
1917 endangered species;
1918 c. imprisonment of six (6) months and one (1) day to one (1) year and
1919 a fine of Ten thousand pesos (P10,000.00) to One hundred thousand
1920 pesos (P100,000.00), if inflicted or undertaken against vulnerable
1921 species;
1922 d. imprisonment of one (1) month and one (1) day to six (6) months
1923 and a fine of Five thousand pesos (P5,000.00) to Fifty thousand
1924 pesos (P50,000.00), if inflicted or undertaken against species listed
1925 as other threatened species; and
1926 e. imprisonment of ten (10) days to one (1) month and a fine of One
1927 thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if
1928 inflicted or undertaken against other wildlife species: Provided, That
1929 in case of paragraph (f), where the acts were perpetuated through the
1930 means of inappropriate techniques and devices, the maximum
1931 penalty herein provided shall be imposed.
1932

- 1933 For violations under Section 27.h (maltreating and/or inflicting other
1934 injuries not covered by the preceding paragraph):
1935
1936 a. imprisonment of six (6) months and one (1) day to one (1) year and
1937 a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand
1938 pesos (P100,000.00), if inflicted or undertaken against species listed
1939 as critical species;
1940 b. imprisonment of three (3) months and one (1) day to six (6) months
1941 and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand
1942 pesos (P50,000.00), if inflicted or undertaken against endangered
1943 species;
1944 c. imprisonment of one (1) month and one (1) day to three (3) months
1945 and a fine of Five thousand pesos (P5,000.00) to Twenty thousand
1946 pesos (P20,000.00), if inflicted or undertaken against vulnerable
1947 species;
1948 d. imprisonment of ten (10) days to one (1) month and a fine of One
1949 thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00) if
1950 inflicted or undertaken against species listed as other threatened
1951 species; and
1952 e. imprisonment of five (5) days to ten (10) days and a fine of Two
1953 hundred pesos (P200.00) to One thousand pesos (P1,000.00), if
1954 inflicted or undertaken against other wildlife species.
1955

1956 For violations under Section 27.i (transporting of wildlife):

- 1957
1958 a. imprisonment of six (6) months and one (1) day to one (1) year and
1959 a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand
1960 pesos (P100,000.00), if inflicted or undertaken against species listed
1961 as critical species;
1962 b. imprisonment of three (3) months and one (1) day to six (6) months
1963 and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand
1964 pesos (P50,000.00), if inflicted or undertaken against endangered
1965 species;
1966 c. imprisonment of one (1) month and one (1) day to three (3) months
1967 and a fine of Five thousand pesos (P5,000.00) to Twenty thousand
1968 pesos (P20,000.00), if inflicted or undertaken against vulnerable
1969 species;
1970 d. imprisonment of ten (10) days to one (1) month and a fine of One
1971 thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00) if
1972 inflicted or undertaken against species listed as other threatened
1973 species; and
1974 e. imprisonment of five (5) days to ten (10) days and a fine of Two
1975 hundred pesos (P200.00) to One thousand pesos (P1,000.00), if
1976 inflicted or undertaken against other wildlife species.
1977

1978 All wildlife, its derivatives or by-products, and all paraphernalia, tools
1979 and conveyances used in connection with violations of R.A. 9147, shall
1980 be ipso facto forfeited in favor of the government: Provided, That where
1981 the ownership of the aforesaid conveyances belong to third persons who
1982 has no participation in or knowledge of the illegal acts, the same may be

1983 released to said owner. The apprehending agency shall immediately
1984 cause the transfer of all wildlife that have been seized or recovered to
1985 the nearest Wildlife Rescue Center of the Department in the area.

1986
1987 If the offender is an alien, he shall be deported after service of sentence
1988 and payment of fines, without any further proceedings.

1989
1990 The fines herein prescribed shall be increased by at least ten percent
1991 (10%) every three (3) years to compensate for inflation and to maintain
1992 the deterrent function of such fines.

1993
1994 46.2.3. R.A. 9072

1995
1996 Any person found guilty of any of the offenses enumerated under
1997 Section 7 of R.A. 9072 shall be punished by imprisonment from two (2)
1998 years to six (6) years or a fine ranging from Twenty thousand pesos (PhP
1999 20,000.00) to Five hundred thousand pesos (PhP 500,000.00) or both at
2000 the discretion of the court. Provided, that the person furnishing the
2001 capital to accomplish the acts punishable herein shall be punished by
2002 imprisonment from six (6) years and one (1) day to eight (8) years or by
2003 a fine ranging from Five hundred thousand pesos (PhP 500,000.00) to
2004 one (1) million pesos (PhP 1,000,000.00) or both at the discretion of the
2005 Court. Provided further, that if the area requires rehabilitation or
2006 restoration as determined by the Court, the defender shall also be
2007 required to restore the same, whenever practicable, or compensate for
2008 the damage. Provided, finally, that if the offender is a government
2009 employee, he or she likewise be removed from office.

2010
2011 46.3. Mining Laws

2012
2013 46.3.1. R.A. 7942

2014 a. False Statements - Any person who knowingly presents any false
2015 application, declaration, or evidence to the Government or publishes
2016 or causes to be published any prospectus or other information
2017 containing any false statement relating to mines, mining operations
2018 or mineral agreements, financial or technical assistance agreements
2019 and permits shall, upon conviction, be penalized by a fine of not
2020 exceeding Ten thousand pesos (P10,000.00). (Section 101)

2021
2022 b. Illegal Exploration - Any person undertaking exploration work
2023 without the necessary exploration permit shall, upon conviction, be
2024 penalized by a fine of not exceeding Fifty thousand pesos
2025 (P50,000.00). (Section 102)

2026
2027 c. Theft of Minerals - Any person extracting minerals and disposing
2028 the same without a mining agreement, lease, permit, license, or steals
2029 minerals or ores or the products thereof from mines or mills or
2030 processing plants shall, upon conviction, be imprisoned from six (6)
2031 months to six (6) years or pay a fine from Ten thousand pesos

- 2032 (P10,000.00) to Twenty thousand pesos (P20,000.00), or both, at the
2033 discretion of the appropriate court. In addition, he shall be liable to
2034 pay damages and compensation for the minerals removed, extracted,
2035 and disposed of. In the case of associations, partnerships, or
2036 corporations, the president and each of the directors thereof shall be
2037 responsible for the acts committed by such association, corporation,
2038 or partnership. (Section 103)
2039
- 2040 d. Destruction of Mining Structures - Any person who wilfully
2041 destroys or damages structures in or on the mining area or on the
2042 mill sites shall, upon conviction, be imprisoned for a period not to
2043 exceed five (5) years and shall, in addition, pay compensation for the
2044 damages which may have been caused thereby. (Section 104)
2045
- 2046 e. Mines Arson - Any person who wilfully sets fire to any mineral
2047 stockpile, mine or workings, fittings or a mine, shall be guilty of
2048 arson and shall be punished, upon conviction, by the appropriate
2049 court in accordance with the provisions of the Revised Penal Code
2050 and shall, in addition, pay compensation for the damages caused
2051 thereby. (Section 105)
2052
- 2053 f. Willful Damage to a Mine - Any person who wilfully damages
2054 amine, unlawfully causes water to run into a mine, or obstructs any
2055 shaft or passage to a mine, or renders useless, damages or destroys
2056 any machine, appliance, apparatus, rope, chain, tackle, or any other
2057 things used in a mine, shall be punished, upon conviction, by the
2058 appropriate court, by imprisonment not exceeding a period of five
2059 (5) years and shall, in addition, pay compensation for the damages
2060 caused thereby. (Section 106)
2061
- 2062 g. Illegal Obstruction to Permittees or Contractors - Any person who,
2063 without justifiable cause, prevents or obstructs the holder of any
2064 permit, agreement or lease from undertaking his mining operations
2065 shall be punished, upon conviction by the appropriate court, by a fine
2066 not exceeding Five thousand pesos (P5,000.00) or imprisonment not
2067 exceeding one (1) year, or both, at the discretion of the court.
2068 (Section 107)
2069
- 2070 h. Violation of the Terms and Conditions of the Environmental
2071 Compliance Certificate - Any person who wilfully violates or
2072 grossly neglects to abide by the terms and conditions of the
2073 environmental compliance certificate issued to said person and
2074 which causes environmental damage through pollution shall suffer
2075 the penalty of imprisonment of six (6) months to six (6) years or a
2076 fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand
2077 pesos (P200,000.00), or both, at the discretion of the court. (Section
2078 108)
2079
- 2080 i. Illegal Obstruction to Government Officials - Any person who
2081 illegally prevents or obstructs the Secretary, the MGB Director or

2082 any of their representatives in the performance of their duties under
2083 the provisions of this Act and of the regulations promulgated
2084 hereunder shall be punished, upon conviction, by the appropriate
2085 court, by a fine not exceeding Five thousand pesos (P5,000.00) or by
2086 imprisonment not exceeding one (1) year, or both, at the discretion
2087 of the court. (Section 109)

2088
2089 j. Other Violations - Any other violation of this Act and its
2090 implementing rules and regulations shall constitute an offense
2091 punishable with a fine not exceeding Five thousand pesos
2092 (P5,000.00).

2093 The Secretary is authorized to charge fines for late or non-submission of
2094 reports in accordance with the implementing rules and regulations of this
2095 Act.

2096
2097 46.3.2. R.A. 7076

2098
2099 Violations of the provisions of R.A. 7076 or of the rules and regulations
2100 issued pursuant thereto shall be penalized with imprisonment of not less
2101 than six (6) months nor more than six (6) years and shall include the
2102 confiscation and seizure of equipment, tools, and instruments.

2103
2104 46.4. Forestry Laws

2105
2106 46.4.1. P.D. 705, as amended

2107 a. Any person who shall cut, gather, collect, or remove timber or other
2108 forest products from any forest land, or timber from alienable and
2109 disposable public lands, or from private lands, without any authority
2110 under a license agreement, lease, license or permit, shall be guilty of
2111 qualified theft as defined and punished under Articles 309 and 310
2112 of the Revised Penal Code; Provided, That in the case of partnership,
2113 association or corporation, the officers who ordered the cutting,
2114 gathering or collecting shall be liable, and if such officers are aliens,
2115 they shall, in addition to the penalty, be deported without further
2116 proceedings on the part of the Bureau of Immigration.

2117
2118 The Court shall further order the confiscation in favor of the
2119 government of the timber or forest products to cut, gathered,
2120 collected or removed, and the machinery, equipment, implements
2121 and tools used therein, and the forfeiture of his improvements in the
2122 area.

2123
2124 The same penalty plus cancellation of his license agreement, lease,
2125 license or permit and perpetual disqualification from acquiring any
2126 such privilege shall be imposed upon any licensee, lessee, or
2127 permittee who cuts timber from the licensed or leased area of
2128 another, without prejudice to whatever civil action the latter may
2129 bring against the offender. (Section 68)

2130

2131 b. Any person who enters and occupies or possesses, or makes *kaingin*
2132 for his own private use or for others any forest land without authority
2133 under a license agreement, lease, license or permit, or in any manner
2134 destroys such forest land or part thereof, or causes any damage to the
2135 timber stand and other products and forest growths found therein, or
2136 who assists, aids or abets any other person to do so, or sets a fire, or
2137 negligently permits a fire to be set in any forest land shall, upon
2138 conviction, be fined in an amount of not less than five hundred pesos
2139 (P500.00) nor more than twenty thousand pesos (P20,000.00) and
2140 imprisoned for not less than six (6) months nor more than two (2)
2141 years for each such offense, and be liable to the payment of ten (10)
2142 times the rental fees and other charges which would have been
2143 accrued had the occupation and use of the land been authorized
2144 under a license agreement, lease, license or permit: Provided, That
2145 in the case of an offender found guilty of making *kaingin*, the penalty
2146 shall be imprisoned for not less than two (2) nor more than (4) years
2147 and a fine equal to eight (8) times the regular forest charges due on
2148 the forest products destroyed, without prejudice to the payment of
2149 the full cost of restoration of the occupied area as determined by the
2150 Bureau.

2151
2152 The Court shall further order the eviction of the offender from the
2153 land and the forfeiture to the Government of all improvements made
2154 and all vehicles, domestic animals and equipment of any kind used
2155 in the commission of the offense. If not suitable for use by the
2156 Bureau, said vehicles shall be sold at public auction, the proceeds of
2157 which shall accrue to the Development Fund of the Bureau.

2158
2159 In case the offender is a government official or employee, he shall,
2160 in addition to the above penalties, be deemed automatically
2161 dismissed from office and permanently disqualified from holding
2162 any elective or appointive position. (Section 69)

2163
2164 c. Imprisonment for a period of not less than (2) nor more than four (4)
2165 years and a fine of not less than one thousand pesos (P1,000.00), nor
2166 more than ten thousand (P10,000.00) pesos in addition to the
2167 confiscation of such implements and devices, and the automatic
2168 cancellation of the license agreement, lease, license or permit, if the
2169 offender is a holder thereof, shall be imposed upon any person who
2170 shall, without authority from the Director or his authorized
2171 representative, make, manufacture, or has in his possession any
2172 government marking, hatchet or other marking implement, or any
2173 marker, poster, or other devices officially used by officers of the
2174 Bureau for the marking or identification of timber or other products,
2175 or any duplicate, counterfeit, or imitation thereof, or make or apply
2176 a government mark on timber or any other forest products by means
2177 of any authentic or counterfeit device, or alter, deface, or remove
2178 government marks or signs, from trees, logs, stumps, firewoods or
2179 other forest products, or destroy, deface, remove or disfigure any
2180 such mark, sign, poster or warning notices set by the Bureau to

2181 designate the boundaries of cutting areas, municipal or city forest or
2182 pasture, classified timber land, forest reserve, and areas under the
2183 national park system or to make any false mark or imitation of any
2184 mark or sign herein indicated; Provided, That if the offender is a
2185 corporation, partnership or association, the officers and directors
2186 thereof shall be liable. (Section 77)

2187

2188 d. Any person who fails to pay the amount due and payable under the
2189 provisions of P.D. 705, as amended, the National Internal Revenue
2190 Code, or the rules and regulations promulgated thereunder, shall be
2191 liable to the payment of a surcharge of twenty-five per centum (25%)
2192 of the amount due and payable.

2193

2194 Any person who fails or refuses to remit to the proper authorities
2195 said forest charges collectible pursuant to the provisions of the Code
2196 or the National Internal Revenue Code, or who delays, obstructs or
2197 prevents the same, or who orders, causes or effects the transfer or
2198 diversion of the funds for purposes other than those specified in this
2199 Code, for each such offense shall, upon conviction, be punished by
2200 a fine of not exceeding one hundred thousand pesos (P100,000.00)
2201 and/or imprisonment for a period of not exceeding six (6) years in
2202 the discretion of the Court. If the offender is a government official
2203 or employee, he shall, in addition, be dismissed from the service with
2204 prejudice to reinstatement and with disqualification from holding
2205 any elective or appointive office.

2206

2207 If the offender is a corporation, partnership or association, the
2208 officers and directors thereof shall be liable. (Section 78)

2209

2210 e. No person shall sell or offer for sale any log, lumber, plywood or
2211 other manufactured wood products in the international or domestic
2212 market unless he complies with grading rules and established or to
2213 be established by the Government.

2214

2215 Failure to adhere to the established grading rules and standards, or
2216 any act of falsification of the volume of logs, lumber, or other forest
2217 products shall be a sufficient cause for the suspension of the export,
2218 sawmill, or other license or permit authorizing the manufacture or
2219 sale of such products for a period of not less than two (2) years.

2220

2221 A duly accredited representative of the Bureau shall certify to the
2222 compliance by the licensees with grading rules.

2223

2224 Every dealer in lumber and other building material covered by P.D.
2225 705, as amended, shall issue an invoice for each sale of such material
2226 and such invoice shall state that the kind, standard and size of
2227 material sold to each purchaser in exactly the same as described in
2228 the invoice. Any violation of this Section 79 of P.D. 705 shall be
2229 sufficient ground for the suspension of the dealer's license for a
2230 period of not less than two (2) years and, in addition thereto, the

2231 dealer shall be punished for each such offense by a fine of not less
2232 than two hundred pesos (P200.00) or the total value of the invoice,
2233 whichever is greater. (Section 79)

2234 46.4.2. R.A. 9175

2235 a. Any person who sells, purchases, transfer the ownership, distributes
2236 or otherwise disposes or possesses a chain saw without first securing
2237 the necessary permit from the Department shall be punished with
2238 imprisonment of four (4) years, two (2) months and one (1) day to
2239 six (6) years or a fine of not less than Fifteen thousand pesos
2240 (P15,000.00) but not more Thirty thousand pesos (30,000.00) or
2241 both at the discretion of the court, and the chain saw/s confiscated in
2242 favor of the government.

2243
2244 b. Any person who imports or manufactures a chain saw without
2245 obtaining prior authorization from the Department shall be punished
2246 by imprisonment of not less than one (1) month nor more than six
2247 (6) months and a fine of not less than One thousand pesos
2248 (P1,000.00) for more than Four thousand pesos (P4,000.00).

2249
2250 c. Any person who is found to have defaced or tampered with the
2251 original registered engine serial number of any chain saw unit shall
2252 be punished by imprisonment of not less than one (1) month nor
2253 more than six (6) months and a fine of not less than One thousand
2254 pesos (P1,000.00) nor more than Four thousand pesos (P4,000.00).

2255
2256 d. Any person who is found to be in possession of a chain saw and uses
2257 the same to cut trees and timber in forest land or elsewhere except
2258 as authorized by the Department shall be penalized with
2259 imprisonment of six (6) years and one (1) day to eight (8) years or a
2260 fine of not less that Thirty thousand pesos (P30,000.00) but not more
2261 than Fifty thousand pesos (P50,000.00) or both at the discretion of
2262 the court without prejudice to being prosecuted for a separate offense
2263 that may have been simultaneously committed. The chain saw
2264 unlawfully used shall be likewise confiscated in favor of the
2265 government.

2266
2267 If the violation under Section 7 of R.A. 9175 is committed by or through
2268 the command or order of another person, partnership or corporation, the
2269 penalties herein provided shall likewise be imposed on such other
2270 person, or the responsible officer(s) in such partnership or corporation.

2271
2272 If the offender is a public official or employee, in addition to the above
2273 penalties, he shall be removed from office and perpetually disqualified
2274 from holding any public office.

2275
2276 The chain saws confiscated under this Section shall be sold at public
2277 auction to qualified buyers and the proceeds thereof shall go to the
2278 Department. (Section 7)

2279 46.5. Land Law

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46.5.1. C.A. 141, as amended

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a. Any person who presents or causes to be presented, or cooperates in the presentation of, any false application, declaration, or evidence, or makes or causes to be made or cooperates in the making of a false affidavit in support of any petition, claim, or objection respecting lands of the public domain, shall be deemed guilty of perjury and punished accordingly. (Section 129)

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b. Any person who voluntarily and maliciously prevents or hinders or attempts to prevent or hinder the presentation of any application for public land under C.A. 141, as amended, or who in any manner attempts to execute or executes acts intended to dissuade or discourage, or aid to dissuade or discourage, the acquisition of public lands, shall be deemed guilty of coercion and be punished accordingly. (Section 130)

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c. Any person who sells forms issued and distributed gratuitously under C.A. 141, as amended or who, being an officer charged with distributing them, refuses or fails, without sufficient reason, to furnish the same, shall be punished for each offense by a fine of not more than one hundred pesos or by imprisonment for not more than three months, or both, in the discretion of the court. (Section 131)

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d. Any person, corporation, association or partnership which, not being qualified or no longer authorized to apply for public land under the provisions of C.A. 141, as amended files or induces or knowingly permits another person, corporation, association or partnership to file an application in his or its behalf or for his or its interest, benefit or advantage, shall be punished by a fine of not less than two hundred nor more than five thousand pesos or by imprisonment for not less than two months nor more than five years, or both, in the discretion of the court; and the application shall be cancelled. (Section 132)

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e. Any person who, without having the qualifications required by C.A. 141, as amended, shall by deceit or fraud acquire or attempt to acquire lands of the public domain or other real property or any right, title or interest, or property right of any class to the same, and any person aiding and abetting him therein or serving as a means or tool therefor, shall, upon conviction, be punished by a fine of not more than five thousands pesos, or by the imprisonment for not more than five years, or both, in the discretion of the court. (Section 133)

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SECTION 47. Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of ENR Laws. The defense of SLAPP as defined by existing laws shall be available to ENR law enforcers and those they have deputized, complainants, and witnesses.

2327 This remedy is available even during preliminary investigation and relevant administrative
2328 cases.

2329 **SECTION 48. Administrative Adjudication.** The Secretary is authorized to organize
2330 and standardize administrative adjudication mechanisms to impose fines and other penalties
2331 for under existing laws, rules, and regulations and cause the issuance of procedural rules and
2332 regulations as may be appropriate
2333

2334 **SECTION 49. Inter-Agency Environmental Enforcement Coordination.** All Line
2335 Bureaus, attached agencies and enforcement task forces shall establish and maintain close
2336 coordination, cooperation and linkages with national and international coordinative bodies,
2337 multi-lateral agencies, and organizations that address environmental crimes.
2338

2339 **SECTION 50. Intergovernmental Relations Mechanism.** All existing enforcement
2340 powers in relation to the environment and natural resources expressly granted to the Organic
2341 Law for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) shall have
2342 proper coordination in resolving issues on intergovernmental relations through regular
2343 consultation and continuing negotiation in non-adversarial manner.
2344

2345 **SECTION 51. International Cooperation and Coordination in Enforcement**
2346 **Efforts.** Consistent with relevant provisions in multilateral environmental agreements, national
2347 enforcement of laws and regulations implementing multilateral environmental agreements
2348 could be supported through international cooperation and coordination.
2349

2350 The following shall be observed to foster improved international collaboration to fight
2351 environmental crime or violation of national environmental laws with transboundary
2352 implications:

2353 51.1. Environmental laws and regulations must feature adequate and appropriate
2354 deterrent measures — correct penalties relevant to the gravity of the offence;
2355 environmental restitution and clearly defined procedures for confiscation of
2356 equipment, goods and contraband and/or disposal of confiscated material,
2357 connected with the environmental crime.
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2359 51.2. National laws and regulations pursuant to a multilateral environmental
2360 agreement (MEA), must be implemented and applied in a way that is consistent
2361 with the enacting State's international obligations under the relevant MEA,
2362 which makes illegal the importation, trafficking or acquisition of goods, wastes
2363 and any other materials.
2364

2365 51.3. Appropriate authority to make environmental crime punishable by criminal
2366 sanctions that take into account the nature of environmental law violation.

2367 **CHAPTER VII**
2368 **RESEARCH, DEVELOPMENT AND EXTENSION**
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2370 **SECTION 52. Research, Development and Extension (RDE).** Recognizing the
2371 significance of research and development for national development, the State shall engage in
2372 the advancement of science and technology, and their application to the management of
2373 environment and natural resources. With this, it shall be the policy of the DENR to undertake
2374 research, development, and extension activities for the sustainable management of the country's

2375 environment and natural resources with a policy focus on ecological balance, ecosystems
2376 productivity, equity and social justice. It shall also provide the necessary technological
2377 backstopping to push development forward in line with the government's desire to maintain the
2378 momentum of development in the Philippine economy. (Philippine Constitution, Art. XIV, Sec.
2379 10; DENR AO No. 96-27, Sec. 1)

2380
2381 **SECTION 53. RDE Management Cycle.** The ENR RDE Management of RDE
2382 programs/activities/projects (PAPs) shall involve three (3) major phases: Phase I – RDE PAPs
2383 Proposal Preparation and Review; Phase II – RDE PAPs Implementation, Monitoring and
2384 Evaluation, and Phase III - Technology Transfer and Extension. (n)

2385
2386 **SECTION 54. Technology Generation.** Technology generation is the process of
2387 conducting research and communicating its results with the primary aim of solving specific
2388 problems previously identified. The outcome of the implementation of research
2389 programs/projects are either in the form of products/goods, process/services and information
2390 desired to contribute to the enhancement of productivity, increase of opportunities, generation
2391 of income, improvement in the management, conservation, and protection of environment and
2392 natural resources, and of the general welfare of the target clientele/individual or public.

2393
2394 **Technology Generation Process.** The following activities are conducted during the
2395 technology generation process:

- 2396 1. Identification and review of ENR policy and management directions, and issues and
2397 problems that can be addressed through RDE;
- 2398 2. Policy gaps;
- 2399 3. Preparation of RDE PAPs proposals;
- 2400 4. Review and assessment;
- 2401 5. Technical review;
- 2402 6. Approval for implementation;
- 2403 7. Funding; and
- 2404 8. Preparation and conduct of other arrangements for RDE PAPs implementation. (n)

2405
2406 **SECTION 55. Technology Transfer.** Technology transfer is the process of
2407 communicating the outputs of research in the form of technologies
2408 (information/products/processes/services) from the technology generator to the target
2409 clients/end-users using appropriate media, interpersonal methods, and other strategies. (n)

2410
2411 DENR shall take on technology transfer as its strategic mission to effectively translate
2412 research results into useful products and services for the benefit of the Filipino people.

2413
2414 **Technology Transfer Process.** Technology derived through research should be
2415 compiled, classified and translated into packaged technology in the kind of a language that is
2416 understood by the target clienteles. DENR shall retain proprietary rights over the results of
2417 completed researches, or parts thereof. Dissemination, publication, or commercialization of
2418 such can only be effected with the express permission of the DENR. (DENR AO No. 96-27,
2419 Sections 11, 11.6)

2420
2421 Technology Transfer and Extension (TTE) consists of technology assessment;
2422 packaging of technology; dissemination; establishment of demonstration areas; preparation of
2423 draft policy whenever applicable; patent application, technology spin-off and

2424 commercialization by authorized entity whenever feasible and technology impact evaluation.
2425 (n)

2426
2427 The impact of technology adoption and utilization by target clientele must be evaluated.
2428 Enhancement of TTE services could be also be drawn from the client's feedback to ENR
2429 technologies, as well as extension strategies and therefore, the need for client satisfaction
2430 survey should become part of the RDE system. (n)

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**CHAPTER VIII
FINAL PROVISIONS**

2434 **SECTION 56. Separability Clause.** If for any reason, any section or provision of this
2435 Order is declared null and void, no other section, provision, or part thereof shall be affected
2436 and the same shall remain in full force and effect.

2437 **SECTION 57. Repealing Clause.** All orders, circulars, memoranda and other
2438 issuances inconsistent herewith are hereby repealed and/or modified accordingly.

2439 **SECTION 58. Effectivity.** This Order shall take effect fifteen (15) days after its
2440 publication in a newspaper of general circulation and upon acknowledgment of receipt of copy
2441 thereof by the Office of the National Administrative Register (ONAR).

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ROY A. CIMATU
Secretary