



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

MEMORANDUM

FOR/TO : Assistant Director, BMB
Assistant Director, ERDB
Assistant Director, EMB
Assistant Director, FMB
Assistant Director, LMB
Assistant Director, MGB
Representative (OHEA)
Representative (OCOS)
Representative (Office of the Undersecretary for Legal, Admin.,
Human Resources, and Legislative Affairs)
Representative (Office of the Undersecretary for Field Operations and
Environment)
Representative (Office of the Undersecretary for Mining and
and Muslim Affairs)
Representative (Office of the Undersecretary Policy, Planning and Int'l.
Affairs)
Representative (Office of the Undersecretary for Finance, Information
Systems and Climate Change)
Representative (Office of the Undersecretary for Solid Waste
Management & Local Government Units Concerns)
Representative (Office of the Undersecretary for Indigenous Peoples
Affairs & Mindanao Environmental Priority Projects)
Representative (Office of the Undersecretary for Special Concerns)
Representative (Office of the Undersecretary for Enforcement)
Representative (Office of the Assistant Secretary for Policy, Planning
and
Foreign-Assisted and Special Projects)
Representative (Office of the Assistant Secretary for Legal)
Representative (Office of the Assistant Secretary for Field Ops.-
Luzon)
Representative (Office of the Assistant Secretary for Field Ops.-
Visayas)
Representative (Office of the Assistant Secretary for Field Ops.-
Mindanao and Legislative Affairs)
Representative (Office of the Assistant Secretary for Finance, Info.
Systems and Mining Concerns)
Representative (Office of the Assistant Secretary for Enforcement)
Representative (Office of the Assistant Secretary for Administration
and Human
Resources)
Representative (Legal Affairs Service)

Engr. Ernestina Jose (SCIS)
For. Conrado Bravante, Jr. (FASPS)

FROM : The Chairperson, and OIC Director Policy and Planning Service
SUBJECT : **HIGHLIGHTS OF PTWG MEETING NO. 2021-19 HELD ON
SEPTEMBER 23, 2021 9:30 AM**
DATE : 07 OCT 2021

We are furnishing herewith the highlights of the above-cited meeting regarding the following topics:

1. Draft DMC re: Additional List of Classified Caves for 2021, Errata on DMC 2012-03 and 2015-08 and Reclassification of Caves in Regions 4A and 5
2. Draft DAO re: Guidelines on the Re-Issuance of Lost or Destroyed and Unregistered Deed of Conveyance involving Friar Lands Pursuant to Act 1120, as Amended
3. Draft IRR on the DENR-NIA Memorandum of Agreement of 2019: Identification of Priority Critical Watersheds Supporting National Irrigation System
4. Draft DAO on Lifting Ban on Open Pit Method of Mining for copper, Gold, Silver and Complex Ores in the Country

FOR INFORMATION.


MELINDA C. CAPISTRANO



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 · (632) 929-62-52
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

DENR-POLICY TECHNICAL WORKING GROUP

Highlights of Meeting No. 2021-19

September 23, 2021, 9:00 AM

Combination of Virtual Meeting via Zoom and In-Person Hybrid Meeting
PPS-PSD, 3/F DENR Bldg., Visayas Ave., Diliman, Quezon City

I. Attendees

1. Dir. Norlito Eneran, LAS-Vice Chairperson
 2. Ásec. Nonita Caguioa, Asec for FISMC
 3. AD Roland De Jesus, MGB
 4. Ms. Joy Navarro, BMB
 5. Ms. Rosalyn Molinyawe, BMB
 6. Mr. Jon Francis Oria, BMB
 7. For. Rachell Abenir, BMB
 8. Mr. Gino Sison, BMB
 9. For. Ma. Teresa Aquino, FMB
 10. For. Kenneth Tabliga, FMB
 11. For. Alicia Castillo, FMB
 12. For. Abel Lagon, FMB
 13. For. Dianne Lanugan, FMB
 14. For. Lemuelle Celis, FMB
 15. For. Yarah Garcia, FMB
 16. Ms. Belly Cabeso, EMB
 17. Mr. Eugene Paranaque, ERDB
 18. Mr. Alex Pascua, LMB,
 19. Engr. Bernardo Ibe, LMB
 20. For. Lovella Luzette Galindon, LMB
 21. Engr. Marcial Mateo, MGB
 22. Atty. Danilo Uykieng, MGB
 23. Engr. Liza Socorro Manzano, MGB
 24. For. Glaiza Del Rosario, MGB
 25. For. Christian Kevin Latiza, MGB
 26. Engr. Maybellyn Zepeda, MGB
 27. Mr. Richard Alamo, MGB
 28. Ms. Marnette Puthenpurekal, MGB
 29. Mr. Christian Philip Umerez, MGB
 30. Ms. Christine Baladad, MGB
 31. Ms. Cristina Pornillos, MGB
 32. Mr. Alex Venzon, OCOS
 33. For. Ivy Nicole Angeles, OCOS
 34. Ms. Encarmila Panganiban, OULAHRLA
 35. Ms. Kate Vargas, OUE
 36. Ms. Maria Cristina Francisco, OUFOE
 37. For. Joselito Eyala, OUFOE
 38. Ms. Myla Carungi, OUFOE
 39. For. Roberto Oliveros, OUMMA
 40. Engr. Roberto Aguda, OASPPFASP
 41. For. Flordelino Rey, OASPPFASP
 42. For. Adeluisa Siapno, OASL
 43. Mr. Jeruz Pahilanga, OASFO-Visayas
 44. Ms. Maureen Reyes, OASFO-Visayas
 45. Mr. Carl Anthony Del Rosario, OUIPAMEPP
 46. Mr. Daryl Cao, OUIPAMEPP
 47. For. Abelardo Angadol, Jr., NIA
 48. For. Maridel Miras, NIA
 49. Atty. Camillo Garcia, LAS
 50. For. Llarina Mojica, PSD
 51. Ms. Marlyn Arzaga, PSD
 52. OUPPIA Representative
- Secretariat (PPS-PSD)
53. For. Amisol Talania
 54. Ms. Mary Lou Retos
 55. Ms. Anna Michelle Lim
 56. For. Emma Baradi-Medina
 57. Ms. Cherry Winsom Holgado
 58. Mr. Nehemiah Leo Carlo Salvador
 59. Ms. Ma. Theresa Enriquez

II. Highlights of the Meeting

The meeting commenced at 9:15 AM and was presided over by Dir. Eneran. He requested the PTWG Secretariat to do a roll call of attendees. The PTWG Secretariat called the roll of representatives present from the various offices. Dir. Eneran enumerated the agenda for the meeting, composed of FMB, LMB, and BMB proposed policies. For. Mojica informed that representatives from NIA will be joining the meeting, in connection with the FMB-proposed policy.

AD de Jesus requested for the inclusion in the PTWG review the draft DAO on the lifting on open pit discussed during the last PTWG meeting. For. Oliveros manifested his support for the request of AD de Jesus considering that this is a priority policy of the Secretary. Dir. Eneran approved the request for inclusion of the draft policy on lifting of open pit mining in the PTWG deliberation.

Dir. Eneran mentioned the sequence of policies for review. He also informed the body that he will be presiding over the PTWG meeting, in lieu of Dir. Melinda C. Capistrano.

1. Draft IRR on the DENR-NIA Memorandum of Agreement of 2019: Identification of Priority Critical Watersheds Supporting National Irrigation System

Presentation and Discussions:

- For. Ma. Teresa G. Aquino presented a brief background of the draft JMC. This policy is a collaboration effort of DENR and NIA in the protection, conservation, rehabilitation, management and development of watersheds supporting irrigation systems.
- This effort was first formalized through a Memorandum of Agreement (MOA) on 17 June 2002. The MOA covered 143 watersheds with established irrigation systems. On 5 August 2019, another MOA was signed and aims to harmonize and adopt the concept of Watershed Ecosystems Management (WEM) from ridge-to-reef approach including vulnerability assessment.
- However, comments from the DENR Legal Affairs Service on the inclusion of Multi-sectoral Management Councils were not incorporated in the signed MOA. Hence, it was recommended to be included in the preparation of the Implementing Rules and Regulation of the signed MOA.
- For. Aquino also presented the comparison matrix between the 2002 version and the 2019 version of signed DENR- NIA MOA. In the latest MOA, FMB was identified as partner in the said efforts. In the role of DENR, the phrase was expounded to “DENR Permits and clearance, subject to existing laws, rules and regulations” was included.
- There are also additional clauses in Article III- Settlement Dispute, Article IV- Amendment, Article V and VI on Separability and Effectivity clauses.

- Watershed Multi-sectoral Management Council will also be created and its structure is attached as an annex. The chairperson will be the RED of DENR is recommended if only one region is concerned. For three regions, the chair will be the RED with jurisdiction over the bigger area. A TWG will also be created for the steering committee.
- AD De Jesus asked if they could be included in the TWG as the MGB plays an important role in the underground water. Additionally, they produce the Vulnerability Risk Assessment maps of the DENR. Their inclusion would also aid in the identification of watershed based on geological science aspect.
- Director Eneran asked about the legal basis to form the watershed management council.
- For. Aquino said that the draft DAO which would have formed the legal basis of the JMC was submitted for deliberation of the PTWG. The draft DAO pertains to the creation of the Watershed Management Council.
- Director Eneran said the basis of the draft JMC is the MOA and he asked if the council was mentioned. Other govt agencies may not know about this and the MOA is only effective under the contracting parties. He suggested including legal bases other than the MOA in the JMC so that we have a legal support on the creation of the council.
- For. Roberto Oliveros asked if there is an existing DAO on Creation of Watershed Management Councils (WMCs) that is being followed by Offices.
- For. Aquino clarified that there are WMCs created in some regions but the policy has not yet been issued. The policy for the creation of the WMC is for deliberation of the members in the next meeting.
- Engr. Liza Socorro Manzano (MGB) informed the body that in DRRMC all of those in the watershed or activities with maintenance and protection of dams are included in one policy for safety protocols. They have a TWG and they have their own groups. There is a national-level working group like an oversight committee and TWGs specific to regional offices. In the case of MGB, they have Regional offices and clearly, the regions are stated. Not only on the DAM but also on the hazards as mentioned by AD. This was noted by the meeting.
- Director Eneran asked if there are any previous policies wherein a MOA has an IRR.
- For. Aquino said that this is the first time that the NIA proposed the creation of an IRR for a MOA.
- Atty. Camillo Garcia said that if the MOA is clear, then an IRR is not needed.
- Director Eneran asked if there is provision in the MOA for coming up with the IRR. For. Aquino said that there is no such provision in the MOA for the creation of IRR.

- For. Aquino said if the MOA is not clear enough an IRR could be drafted for the smooth implementation of specific roles and responsibilities.
- Atty Garcia said in that case a supplemental MOA should be executed if it is lacking clarity.
- For. Oliveros commented if it is better instead to do a supplemental MOA instead of an IRR.
- For. Rey recommended that instead of making an IRR for a MOA, the JMC could be converted into guidelines for management of watersheds under NIA. This could also be an Administrative Order so that it has more legal authority and cannot be revoked by one party.
- For. Aquino agreed that they can come up with guidelines.
- For. Oliveros pointed out that we have no basis to put the MOA in the prefatory as there is no provision in the MOA to draft an IRR. He agreed with For. Rey's suggestion and that other legal basis could be included.
- For. Rey recalled the previous discussion of the PTWG on the draft DAO for WMCs. He asked, what is the relation of the council with other groups such as WQMA.
- For. Aquino responded that they noted this concern and they also included this in the preparation of these guidelines. Under Section 12 of the revised DAO, if there are existing management bodies in the area, those will be respected and can function as they are. If there is no need for creation of management council, then there is no need to create one. For. Aquino said they will revise the IRR into guidelines and it will now be a Joint Technical Bulletin.
- NIA representatives noted all the comments of the PTWG on the draft IRR. They stated that they had no major comments and they understood the comments of the PTWG.
- For. Oliveros added that there are new guidelines on deputation under DAO 2008-22

Agreements:

- Revise the title based on the new formulation of the policy
- Revise the preambular statement and provide additional legal bases related to the provisions of the draft policy.
- MGB to be included in TWG.
- Joint guidelines shall be drafted together with NIA instead of an IRR for the MOA.

- The agenda item was deferred for revision of the proponent.

2. Draft DMC re Additional List of Classified Caves for 2021, Errata on DMC 2012-03 and 2015-08 and Reclassification of Caves in Region 4A and 5

Presentation and Discussions:

- Ms. Navarro gave a brief background of the DMC, which is consistent with DMC 2007-04 re the procedure of Cave Classification. This DMC is different from previous DMCs issued on the List of Classified Caves due to the proposed reclassification of some caves, as stated in DMC 2007-04. The DMC also contains an erratum to correct the location in previously issued DMCs.
- Engr. Aguda asked if there are previous signed DMCs and Ms. Navarro confirmed this.
- Mr. Pascua asked about the actions taken by BMB to prevent any future errata. Ms. Navarro answered that right now, geo-tagged photos are taken of the cave's entrance. However, for the errata in the draft DMC, the assessments for these caves were made a long time ago in 2012 and in 2015 and these were not noticed at once. When the validation was done, they geo-tagged the wrong entrance.
- Dir. Eneran asked if there is a CSW for the proposed DMC. Ms. Navarro affirmed this.
- For. Mojica asked about the subject that there are three different concerns. She recommended that the draft DMC be separated into three separate guidelines for clarity. She also pointed out that this is the second errata issued and that remedial actions should be done by BMB to prevent any more errors. Ms. Navarro took note of the suggestions and that they are initiating a partnership with cave exploration club and MGB in coming up with a Karst Map for the cave locations, aside from ground validation. They also do not have any control over old assessments, especially those done by other agencies like the National Museum. Right now, reassessments are being done to correct those caves with wrong locations. She stated she was amenable to For. Mojica's proposal, but explained that since there are only three caves for reclassification, they included it in the DMC.
- For. Rey remarked that if the LGU is included in the assessment team, then these errors in location should not happen. The LGU representative would immediately comment that the location is wrong.
- Ms. Manzano asked if MGB is included in the cave assessments. She said there is a possibility that these are not human errors but rather could be from geological processes like tectonic activity, active dissolution, etc. Sometimes, in a matter of a few years, the entrance could have changed, collapsed or gotten bigger. She suggested that the errata should be explained as to the cause of the change in location. She and Ms. Cabeso agreed with For. Mojica's suggestion to split the

guidelines. Dir. Eneran also agreed with Ms. Manzano that the explanation should be included in the issuance for the Errata.

- Ms. Navarro agreed that they will omit Sections 4 and 5 in the draft DMC and these will be issued separately.
- Engr. Aguda asked about cases where there are multiple entrances and if different entry points are considered in the location. Ms. Navarro said they indicate the specific entrances. For. Aguda opined that all assessments should have an MGB representative.
- For. Mojica emphasized that the proponent should carefully review the list to ensure its accuracy before it is re-endorsed.
- Engr. Aguda suggested that in succeeding presentations to the PTWG, of additional classified caves, there should be a summary fact sheet to be presented, including the maps, if possible.
- For. Oliveros moved for the approval of the draft MC subject to corrections.

Agreements:

- The draft DMC shall only contain the Additional List of Classified Caves for 2021.
- The Errata and Reclassification shall be issued separately. The issuance for the Errata should include an explanation for the change in location.
- The BMB should carefully review the proposed list of additional classified caves
- The BMB should also take steps to avoid errors in their list of caves.
- The draft DMC was approved, subject to corrections.

3. Draft DAO re Guidelines on the Re-Issuance of Lost or Destroyed and Unregistered Deed of Conveyance involving Friar Lands Pursuant to Act 1120, as Amended

Presentation and Discussions:

- The background on the draft policy was presented by Mr. Pascua, Chief of the Land Management Division, LMB. He discussed the friar lands, which are large tracts of lands acquired by the Government from Spanish religious orders and private corporations for disposition to bona fide claimants/occupants, and the six (6) regions where such lands are located, i.e., NCR, Regions 2, 3, 4A, 4A, and 7. He also presented the legal bases such as Act 1120, and Commonwealth Act (CA) 32, as amended by Act 1120.
- He mentioned that on March 9, 2011, a Memorandum was issued by former Secretary Ramon JP Paje suspending the processing of friar land applications, with

the instruction to undertake the following activities: deny all spurious and stale friar land applications, survey or resurvey of all friar lands, and for LMB to implement computerization of friar land records under the LAMS. A clarification was issued by Secretary Paje on May 2, 2011 which states that the suspension applies to all activities involving the processing of applications. He also discussed other instructions to the regions.

- Mr. Pascua informed further that on March 31, 2014, then Assistant Secretary for Legal Services, Atty. Anselmo Abungan issued a Memorandum stating that reconstitution is not affected by the suspension order of Secretary Paje. Presumably, a Deed of Conveyance was already issued. According to Mr. Pascua, the guidelines will only cover previously issued Deeds of Conveyance. He presented the reasons for the non-registration of such documents – lost, destroyed or unregistered because of the impact of World War II, fire in the Registry of Deed (ROD) offices and in LMB, and force majeure.
- Mr. Pascua discussed the salient features of the draft DAO. He informed that Deeds of Conveyance that are without record in the LAMS shall not be covered by the re-issuance. He mentioned that the draft policy includes provisions on who are the eligible applicants, requirements, numbering scheme, and the process flow.
- On the subject, Engr. Aguda asked whether a comma should come after the word “lost” and the word “or” should be deleted, so that it is consistent with what was presented in the background earlier. Mr. Pascua responded that they will apply the necessary correction. The PTWG Secretariat commented in the Zoom chatbox that the “lost or destroyed” in the subject is consistent with the term used in the Definition of Terms.
- Dir. Eneran inquired whether the guidelines actually pertains to reconstitution, and if the applicant was issued a copy of the Deed of Conveyance. In reply, Mr. Pascua explained that under the proposed policy, no title is yet issued to the applicant. However, there are already records of such Deed of Conveyance at the LMB, but none at the ROD. Dir. Eneran explained that reconstitution and reissuance are two (2) different concepts. He asked that this be discussed further with the LMB’s Legal Division. In the reissuance, it is necessary to prove that the Deed of Conveyance was lost or destroyed on the side of the applicant/purchaser, while in reconstitution, the Deed of Conveyance was lost or destroyed in the DENR. Engr. Ibe remarked that the appropriate term is reissuance. If considered as reconstitution, the property is titled/registered under PD 1529 or the Registration Act. In this case, the Deed of Conveyance is not yet registered.
- For. Oliveros commented that the contents of the draft policy should be consistent with the title. As such, the Definition of Terms should define the re-issuance, destroyed or lost Deed of Conveyance, among others.
- Engr. Aguda asked if the concept/definition for lost or destroyed Deed of Conveyance was developed by the LMB or whether this is based on laws or policies. Mr. Pascua replied that this was developed by LMB. He explained that if a Deed of Conveyance is destroyed, this is also considered lost. Engr. Aguda suggested revisiting related laws.

- On Section 1, no comment was raised.
- On Section 2, For. Oliveros noted that records are also updated in the LAMS of the regional offices. Mr. Pascua informed that the LAMS referred to is the one in the LMB. As such, it was suggested that this specified as LAMS LMB.
- On Section 3.1, Mr. Pascua explained that this is an LMB definition/formulation. He added that the Deed is issued upon full payment of purchase price.
- On Section 3.2, Mr. Pascua informed that the definition was not exactly lifted from laws and is based on LMB formulation.
- On Section 3.3, Dir. Eneran asked on the meaning of the phrase “goes out of commerce.” Mr. Pascua replied that these are documents that are not in circulation. He added that this is not based on Act 1120. Mr. Sison explained that under Obligations and Contracts, if a document goes out of contract, it is legally lost. For purposes of the law, the document does not legally exist. Dir. Eneran noted that force majeure is one reason that a document will be lost. However, he wished to be clarified whether going out of commerce is also a reason for the loss. Mr. Pascua responded that going out of commerce is an indication that the document no longer exists. For. Oliveros asked if the definition will change if the phrase “goes out of commerce” will be removed. Dir. Eneran commented that this may be replaced with other reasons aside from force majeure. He asked on the circumstances in which a document may go out of commerce. He suggested adding other justifiable reasons.
- On Section 3.4, Dir. Eneran suggested the inclusion of “destroyed original copy.”
- On Section 3.5, Dir. Eneran asked if this captures such situation wherein the Deed of Conveyance was forwarded to the ROD but not secured by the purchaser.
- On Section 4, For. Rey asked if the purchaser pertains to the original applicant. Mr. Pascua replied in the affirmative. He explained that the intention is to re-issue the Deed of Conveyance to the original applicant or purchaser. On the query of For. Rey regarding the possible issuance of the Deed of Conveyance to another person, Mr. Pascua replied that this will no longer be considered as re-issuance.
- Mr. Sison requested clarification whether only the original purchaser or heirs may apply. On his query if the predecessor-in-interest is allowed to apply, Mr. Pascua replied on the negative.
- Dir. Eneran remarked that the mode of transfer is Extra-Judicial Settlement of Estate. He asked on what will be the difference if the original applicant will transfer the Deed of Conveyance to another buyer. In reply, Mr. Pascua stated that if the property is opened to parties other than the heirs of the original applicant, the LMB will have difficulty validating, and that no transfer tax will be collected if sold directly to another buyer. On the other hand, if the property is transferred to the heirs or the original applicant, all taxes will be paid once the title is transferred.

Dir. Eneran commented that there should be a legal basis for such policy of transferring the property only to the heirs of the original applicant.

- Engr. Ibe explained that if the original applicant is deceased, it is the heirs that will apply as purchaser or buyer. The heirs will be executing an Extra-Judicial Settlement. Dir. Eneran asked if there is a provision in Act 1120 regarding the transfer of Deed of Conveyance. If provided therein that no transfer to other buyers is allowed, the policy that only the original applicant shall purchase, is justified.
- On Section 6, For. Oliveros asked if the CENRO, Implementing PENRO, or LPDD in the case of NCR has a database on Deeds of Conveyances at the LMB. Mr. Pascua replied that said offices have no such records, and that it is the applicant that will verify with the LMB the record on Deed of Conveyance for a particular friar land. Once the requirements are complete, the original applicant/heirs may then apply at the office concerned.
- Dir. Eneran asked on the necessity of going to/applying in the field office if the Deed of Conveyance has an existing record in LMB. Mr Pascua responded that it is the field office that will determine the status of the property, or whether or not it is covered by claims and conflicts. The ground inspection will be conducted by the field office. Dir. Eneran remarked that once a Deed of Conveyance is issued, the original applicant is already considered as owner of the property. He asked on the mechanism to resolve disputes. Mr. Pascua remarked that unless another person files a protest against the application of the original applicant, the LMB will issue a Deed of Conveyance in favour of the latter. Dir. Eneran commented that the situation on the ground may be different. Hence, the LMB should sort out the dispute resolution mechanism.
- For. Rey asked whether a Deed of Conveyance that is lost or destroyed and without records in the LMB may be considered for re-issuance. In reply, Mr. Pascua stated that this will not be covered under the proposed policy.
- On Section 6.1, it was suggested that this be revised as “original applicant/purchaser.”
- On Section 6.2, Engr. Aguda asked whether no certification will be issued to the applicant if one of the criteria is not satisfied. Mr. Pascua replied that only those criteria that were satisfied will be indicated in the certification. If covered with claims and conflicts, this will be reflected in the certification to be issued.
- On Section 6.3, Engr. Venzon commented that a certification from the Land Registration Authority (LRA) that the property has no pending land registration is material in ascertaining the exact status of the land. He cited some examples of fraudulent titling of properties and asked whether the LRA certification may be included among the requirements. Mr. Pascua replied that there is no harm in adding such requirement. However, LRA records are also available in the ROD. Relatedly, Dir. Eneran asked if there are records in the LRA that are not in the ROD. Mr. Pascua responded that they will inquire with the LRA if migration of data/computerization involving the 6 regions with friar lands is complete. If the

migration of records has been completed, the requirement will be limited to ROD certification.

- On Section 6.4, Dir. Eneran asked on the type of court being referred to, i.e., whether MTC or RTC. According to him, both offices have their respective Clerk of Court. Mr. Pascua stated that the matter will be checked with the LMB-Legal Division.
- For. Oliveros asked on the possibility of filing an application in another location. Dir. Eneran remarked that this is not allowed.
- On Section 6.5, AD de Jesus asked if the Barangay certification requirement is mandatory. According to him, there are instances wherein the Barangay does not issue a certification due to political or personal reasons. Mr. Pascua replied that one recourse is to raise the matter with the Anti-Red Tape Authority (ARTA). AD de Jesus asked if there are alternative requirements in lieu of said certification. Mr. Pascua replied that said requirement is mandatory.
- For. Oliveros raised the possible conflicting findings between the Barangay and the CENRO regarding claims and conflicts. According to Mr. Pascua, the CENRO has its own record of claims and conflicts. Dir. Eneran commented that in the Barangay, this is known as conciliation proceedings. The claims and conflicts pertains to the DENR process. He suggested replacing the claims and conflicts with conciliation proceedings in Section 6.5.
- On Section 6.6, Dir. Eneran suggested the inclusion of CENRO and RED among the officials that will be relieved of liability.
- On Section 6.7, Dir. Eneran suggested the inclusion of Affidavit of the applicant.
- On Section 6.8, Engr. Aguda inquired on the basis for the fee required. Mr. Pascua replied that the Php50 application fee is based on the current fee, while the Php200 re-issuance fee is the current administrative cost. He added that this represents the administrative cost including the cost for the printing of the judicial form (JF). Relatedly, Engr. Aguda asked on the cost of the other certifications/requirements. For. Rey commented that policies of this nature will have to be tackled with ARTA. Dir. Eneran remarked that the ARTA has issued a policy on the conduct of regulatory impact assessment (RIA). He asked on how this will be implemented in the DENR. For. Rey commented that the applicants may question the fees imposed. He suggested putting a statement that certification fees are required under regulations. Mr. Pascua commented that normally, certifications have accompanying costs. There may be no need to spell this out in the draft policy.
- For certifications from other agencies, Engr. Aguda suggested inserting therein the statement “subject to concerned agency’s prescribed fee.” He also proposed indicating the amount for DENR certifications. Mr. Pascua suggested attaching the official receipt (OR) in the certification. AD de Jesus opined that there should be legal basis for the fees, embodied in a policy. Dir. Eneran commented that there may be no need to indicate the specific amount, and that a statement on prescribed fees pursuant to existing rules and regulations may suffice.

- On the concern raised by Ms. Cabeso regarding online application, Mr. Pascua commented that this may be considered. Presently, the LMB issues online certifications for land records. However, the online payment system is non-existent. According to him, the Bureau is awaiting guidance from the Central Office regarding the online payment system.
- On fees and charges, the PTWG Secretariat informed that the Fees and Charges Committee is handling the matter. The said Committee is chaired by the Undersecretary for Policy, Planning and International Affairs, with FMS as Secretariat.
- On Section 6.10, Engr. Aguda suggested enclosing "TIN" in parenthesis and removing such parenthesis in "EO No. 98 dated April 29, 1999."
- On item 6.a, it was suggested that the word "applicant" be added. With regard to the Extra-Judicial Agreement, Mr. Pascua explained that this is the agreement executed among the heirs as to who will file the application. He added that this is distinct from the Extra-Judicial Settlement of Estate. Dir. Eneran asked on the difference among the two so as to avoid confusion among the applicants. He suggested that this be reviewed by the LMB-Legal Division
- On item 6.b, Dir. Eneran remarked that the proper term is Deed of Extra-Judicial Settlement of Estate. This was concurred by Engr. Venzon. Dir. Eneran also asked on the reason for the publication of said document. Engr. Venzon informed that publication is required under the provisions of the BIR law.
- On item 6.c, Dir. Eneran commented that the certified copy of Death Certificate is already attached to the Deed of Extra-Judicial Settlement of Estate. Hence, it was suggested that the said requirement be removed. Mr. Pascua agreed with the suggestion.
- On item 6.d, Dir. Eneran asked whether the Birth Certificates of the heirs are still required. Mr. Pascua mentioned that this requirement will be consulted with the LMB-Legal Division.
- On Section 7.2, it was suggested that "Deed of" be inserted before Extrajudicial Settlement of Estate. Dir. Eneran asked if an Order will be issued for the conduct of investigation. Mr. Pascua informed that the CENRO will issue an Order of Investigation to the Land Inspector. This being the case, Dir. Eneran proposed the inclusion of said step in the flow chart.
- On Section 7.3, For. Oliveros asked on the possible simultaneous publication of the Notice of Application and Affidavit of Publication of the Deed of Extra-Judicial Settlement of Estate, or the non-publication of the application considering that it is costly on the part of the applicant. Mr. Pascua replied that the Affidavit of Publication of the Deed of Extra-Judicial Settlement of Estate is one of the requirements to be complied with by the applicant. Posting of the Notice of Applicant will happen after said applicant has submitted all the requirements. He also mentioned that in the publication of the Deed of Extra-Judicial Settlement of

Estate, the applicant is informing the public regarding the division of the property, while on the Notice of Applicant, the applicant is informing the public regarding his/her application for a Deed of Conveyance. According to Mr. Pascua, the intentions of such publications are different.

- For. Oliveros opined that instead of publishing in a newspaper of general circulation, posting of Notice in the LGU, CENRO/PENRO, should be enough to cover the target area where the land is located. Mr. Pascua commented that publishing in a newspaper of general circulation is exercising due diligence, and will serve as a safeguard for the DENR should problems arise later on. Dir. Eneran informed that the purpose of the publication of Deed of Extra-Judicial Settlement of Estate is to inform the public/creditor/s of the original applicant. On the Notice of Application, the intention is to inform the public should there be other claims over the property. However, he asked the proponent whether publication of Notice of Application in a newspaper of general circulation is required by law. According to him, the proponent may be adding requirements that are not really necessary. He cautioned that requiring said publication may be exceeding the limits of authority under Act 1120. If not required under the law, there is no legal basis for such requirement. Mr. Pascua informed that LMB will review said requirement. If it finds no legal basis, the publication of Notice of Application will be limited to posting in the LGUs and the DENR field office/s concerned.
- On Section 7.4, Engr. Aguda asked whether the application is submitted directly to the LMB. Mr. Pascua replied that the submission is through channels. As such, it was suggested that the line “through proper channels” be inserted.
- On Section 7.5, second paragraph, Dir. Eneran suggested indicating the specific office in the DENR Central Office that will evaluate the application. However, For. Oliveros commented that there are instances wherein the application is forwarded to other offices. Engr. Venzon mentioned that for OCOS and OSEC, the document should be recommended by the supervising Undersecretary. Ms. Panganiban added that referral to other offices is done if there are clarifications, particularly if it involves legal issues.
- On Section 7.5, first paragraph, Engr. Aguda asked whether only the completeness of documents is reviewed. He asked on who reviews the legality of these documents. Mr. Pascua commented that the legality of documents is checked by the Land Management Division, LMB.
- Still on the review of applications at the Central Office, For. Oliveros suggested not stating that the application will go through the supervising Undersecretary as there may be changes in designations. Engr. Aguda opined that all documents from the regions should pass through the Undersecretary for Field Operations. For. Rey suggested the insertion of “through proper channels.” According to him, the Special Order should indicate the concerned official and this will ensure flexibility.
- Engr. Aguda asked whether the approval of Deed of Conveyance is in the Manual of Approvals. For. Rey informed that the approval of Deed of Conveyance, but only covers issuance and not re-issuance.

- On Section 7.5, For. Oliveros suggested that the RED shall forward the requirements to the Land Management Division. Also it was proposed that “through proper channel” be added in the second paragraph.
- On Section 7.6, Dir. Eneran asked on who shoulders the cost of notarization. Mr. Pascua informed that the cost will be shouldered by the applicant. Dir. Eneran mentioned about the request of the LMB Director that the Central Office should be responsible for the notarization of documents approved at said level. Atty. Garcia suggested including this among the fees to be paid by the applicant.
- On Section 8, Dir. Eneran asked on the meaning of AF in the example of the numbering system for re-issued Deed of Conveyance. According to an LMD staff, this refers to “After Fire” or after the LMB fire in Binondo in 2018. For. Rey whether this will represent a new number for the Deed of Conveyance. In response, Mr. Pascua stated that the re-issued Deed of Conveyance will have a new number, but the old number will still be indicated. Dir. Eneran suggested indicating in the draft policy that the re-issued Deed of Conveyance will include its old number, in parenthesis.
- Dir. Eneran noted the lack of a claims and conflicts mechanism in the draft policy. Mr. Pascua replied that they will insert a section on the subject. Dir. Eneran commented that DAO No. 2016-31 may be used as reference. However, if there is a need to issue a policy on the matter in case the mechanism in DAO No. 2016-31 is not applicable, the proponent may state in the draft policy that a policy will be issued.
- Dir. Eneran asked whether the ROD requests for the original certificate of title (OCT) on friar lands. Mr. Pascua replied on the affirmative.

Agreements:

- Clarify whether the draft policy pertains to re-issuance or reconstitution of the Deed of Conveyance, as these are two (2) different concepts. Coordinate the matter with the LMB-Legal Division.
- On Section 2, first paragraph, add “of the Land Management Bureau” after LAMS. On the second paragraph, add “-LMB” after LAMS.
- On Section 3:
 - On Section 3.3, delete the phrase “goes out of commerce” and add other justifiable reasons for the loss of the Deed of Conveyance.
 - On Section 3.4., delete the word “one” and add the phrase “or destroyed original copy.”
 - On Section 3.5, revise as “lost or destroyed.”
- On Section 6:
 - On Section 6.1, insert the word “original” before applicant and delete the similar term before purchaser, i.e., “original applicant/purchaser.”

- Consider the inclusion of LRA certification. However, if the migration of records to RODs has been completed, the requirement will be limited to the ROD certification only.
 - On Section 6.4, check with the LMB-Legal Division the court being referred to.
 - On Section 6.5, replace the line “claims and conflicts” with “conciliation proceedings.”
 - On Section 6.6, include the CENRO and RED.
 - On Section 6.7, insert the word “Affidavit and” after “accomplished.”
 - Insert a statement in the Affidavit that the applicant acknowledges/aware that there are amounts to be paid for certifications from other agencies.
 - On certifications to be issued by other agencies, insert the statement “subject to concerned agency’s prescribed fee.”
 - Consider online application.
 - On Section 6.10, enclose “TIN” in parenthesis and remove such parenthesis in “EO No. 98 dated April 29, 1999.”
 - On item 6.a, add the word “applicant” after “original” in the latter portion of the sentence.
 - On item 6.a, LMB-Legal Division to check the Extra-Judicial Agreement requirement.
 - On item 6.b, insert “Deed of” before Extra-Judicial Settlement of Estate
 - Delete item 6.c since the certified copy of Death Certificate is already attached to the Deed of Extra-Judicial Settlement of Estate.
 - On item 6.d, consult the requirement mentioned with the LMB-Legal Division.
- On Section 7:
 - On Section 7.2, add “Deed of” before Extra-Judicial Settlement of Estate.
 - On Section 7.2, incorporate the step- issuance of Order of Investigation by the official concerned. Reflect the same insertion in the flow chart.
 - On Section 7.3, specify as Notice of Application. Also, review the legal basis for the requirement re publication of Notice of Application in a newspaper of general circulation once a week for three (3) consecutive weeks. Should there be no legal basis, delete said requirement.
 - On Section 7.4, insert “through proper channels” after “LMB.”
 - On Section 7.5, first paragraph, indicate that the RED shall forward the requirements to LMB.
 - On Section 7.5, second paragraph, insert “through proper channels” after “Central Office.”
 - On Section 8, include a statement that the old number shall be indicated in the re-issued Deed of Conveyance, enclosed in parenthesis.
 - Insert a Section on Claims and Conflicts Mechanism/Resolution. In case the provisions of DAO No. 2016-31 are not applicable, indicate in the draft policy that a policy on the matter will be issued.
 - Revise the process flow based on the comments of the PTWG.

4. Other Matters

4.1. Draft DAO re Lifting of the Ban on the Open Pit Method of Mining for Copper Ores in the Country under DENR Administrative Order No. 2017-10, and Providing for Additional Enhanced Parameters and Criteria for Surface Mining Methods

Presentation and Discussions:

- The revised draft policy was presented by Engr. Mateo. He asked whether only the revisions as per the agreements made from the last PTWG deliberation will be discussed. This was accepted by the PTWG. According to him, the title of the draft DAO was changed, as suggested during the previous PTWG meeting.
- From the previous deliberation, there was no consensus among the PTWG members as the proposed policy lacked specific legal basis, i.e., there was no categorical pronouncement from the President or written instruction from the Secretary regarding the lifting of the ban on open pit mining.
- Engr. Mateo informed that the proponent included Section 4 on Definition of Terms. Dir. Eneran asked for the reference for the terms. Engr. Mateo informed that these were taken from references.
- For. Oliveros suggested including the abbreviated term MICC of the Mining Industry Coordinating Council on the Definition of Terms.
- Dir. Eneran asked on which part of the draft policy the lifting of the ban was stated. According to him, this provision should be categorically stated at the beginning of the proposed policy. In reply, Engr. Mateo informed that said provision was incorporated in Section 9 or the Repealing Clause of the draft policy. Dir. Eneran reiterated that the lifting should be stated first, to be followed by the provision on parameters and conditions. In addition, the lifting of the ban should be in a separate section, after the section on the Definition of Terms.
- Engr. Manzano expressed agreement that the lifting of the ban should be highlighted. However, this should be compatible with the objectives. The preceding section should also highlight the requirements.
- On the provision regarding the lifting of the ban, AD de Jesus stated that this is already provided for in the rationale. Dir. Eneran commented that the Rationale, Objectives, Definition of Terms are introductory parts of a policy. The meat or substantive portion will come after these provisions. As such, the lifting of the ban should be indicated after these sections.
- Atty. Uykieng opined that the lifting of the ban should be in Section 2, after the Basic Policy. As such, the Rationale will support the lifting of the ban.
- Engr. Mateo suggested that the present provisions of the Objectives be retained. Ms. Manzano agreed with the said suggestion.

- Engr. Mateo asked if Section 9 or the Repealing Clause should be retained or subject for revisions. Dir. Eneran recommended to retain Section 9 and revise according to the standard formulation.
- Meanwhile, For. Oliveros and AD de Jesus manifested their agreement with the suggestion of Atty. Uykieng.
- For. Medina suggested the inclusion of the definition of Mining Tenement Holder, based on the agreements during the previous PTWG meeting.
- Dir. Eneran raised the concern again on whether there is instruction from the President or Secretary regarding the lifting of the ban on open pit mining. Engr. Mateo replied that an MICC memorandum for the Office of the President was used as reference although it does not specifically contain a categorical recommendation but only justifications for the lifting of the ban . Dir. Eneran maintained his position that there should be a specific legal basis to support the lifting of the ban, and suggested indicating in the prefatory statement the memorandum of the MICC.
- For. Oliveros moved for the approval of the draft policy, subject to revisions, seconded by Engr. Aguda. The motion was approved.

Agreements:

- Insert a Section after the Section on Basic Policy which categorically states the lifting of the ban on open pit mining.
- Include the MICC recommendation among the legal bases of the draft policy.
- On the Definition of Terms, include the Mining Tenement Holder and the abbreviated term MICC of the Mining Industry Coordinating Council.
- The PTWG approved the proposed policy, subject to revisions.
- Proponent to submit the revised draft policy to PPS for processing.

There having no other matters to discuss, the meeting was adjourned at 4:15 PM.

Prepared by the Secretariat

Noted by:

MELINDA C. CAPISTRANO
OIC Director, Policy and Planning Service
and Chairperson, PTWG