



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

29 JAN 2021

MEMORANDUM

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

The Director
Legal Affairs Service

FROM : The OIC, Director
Policy and Planning Service

SUBJECT : **REQUEST FOR COMMENT/CONCURRENCE ON THE DRAFT DENR ADMINISTRATIVE ORDER (DAO) RE ENHANCED DENR POLICY DEVELOPMENT SYSTEM (PDS)**

We are referring herewith the draft DAO proposed by this Office which aims to provide an effective and responsive policy development mechanism pertinent to current and emerging policy issues.

Basically, the draft policy provides for the policy organizational structure and the various stages/levels involved in policy development, lays down the different policy instruments of the Department, and prescribes an enhanced policy development process, with specific timelines provided to ensure expeditious processing and approval of proposed policies.

The draft policy was reviewed by the Policy Technical Working Group (PTWG) during the PTWG Meeting No. 2020-13 held on December 18, 2020, with the agreement that the PPS-Policy Studies Division (PSD) shall revise the same including the Policy Development Framework (PDF), based on comments and inputs from the PTWG members and upon concurrence by the technical adviser.

In this regard, please submit your comment/concurrence on the draft policy to this Office on or before February 9, 2021. If we fail to receive any comment/concurrence from your Office by the said deadline, we shall consider it as your concurrence to the same.

For your preferential and appropriate action, please.


MELINDA C. CAPISTRANO



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DENR ADMINISTRATIVE ORDER
NO. 2021 - _____

SUBJECT : ENHANCED DENR POLICY DEVELOPMENT SYSTEM (PDS)

Pursuant to Executive Order (E.O.) No. 192 otherwise known as the Reorganization Act of the Department of Environment and Natural Resources (DENR), DENR Administrative Order (DAO) No. 1, series of 1988 or the Implementing Guidelines for the Reorganization of the DENR Pursuant to E.O. 192, E.O. No. 366 or the Rationalization Plan and its IRR, DAO No. 2014-01 adopting the new DENR organizational structure pursuant to E.O. 366, an enhanced DENR Policy Development System (PDS) is hereby instituted and implemented.

SECTION 1. Basic Policy. It is the policy of the State to ensure the sustainable use, development, management, protection and conservation of the country's environment and natural resources as well as to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations. In pursuance thereof, the DENR is mandated to formulate, implement and supervise the government's policies, plans and programs pertaining to the management, conservation, development, use, licensing regulation and replenishment of the country's natural resources. Likewise, it shall promulgate rules and regulations in accordance with the law governing the exploration, development, conservation, extraction, disposition, use and such other commercial activities tending to cause the depletion and degradation of our natural resources.

SECTION 2. Objectives

- 2.1. **General Objective.** To strengthen the DENR's Policy Development System as an integral part of the Department's natural resources and environmental management processes, taking into consideration the anticipated and identified institutional, resource and system issues as well as various ways to stimulate and foster dedicated service to the Filipinos.
- 2.2. **Specific Objective.** To institutionalize and implement an enhanced DENR Policy Development System in order to provide an effective and responsive policy development mechanism pertinent to current and emerging policy issues.

SECTION 3. The DENR Policy Organizational Structure. The national policy formulation process in the DENR shall involve various stages and levels as described below for strict scrutiny and proper considerations of all relevant factors:

- 3.1. **DENR Executive Committee (Execom).** The Execom is the central policy decision-making body of the DENR, headed by the Secretary, who has the

authority and responsibility to carry out the mandates, policies, plans, programs and projects of the Department, discharge its powers, authorities and functions, and accomplish its objectives.

- 3.2. **Policy and Planning Service - Policy Studies Division (PPS-PSD).** The Policy Studies Division (PSD), as promulgated by DAO No. 1, Series of 1988, is the focus for policy work in the Central Office, in coordination with the bureaus, attached agencies, and field offices of the DENR. It is responsible for formulating policy recommendations and strategies for the conservation, management, efficient and effective use, and sustainable development of the environment and natural resources. In addition, it shall undertake studies on specific policy areas for improved management of the environment and natural resources and the impact of national development and trade policies on natural resources conservation. The PPS-PSD shall conduct review and evaluation of policy proposals from Policy Formulation Units of the DENR. It shall also coordinate with the Program Monitoring and Evaluation Division (PMED) of the Policy and Planning Service (PPS) in the monitoring of policy implementation and policy impact evaluation of programs and projects of the DENR's regional and field offices. Lastly, it shall act as the Secretariat of the DENR Policy Technical Working Group.
- 3.3. **Policy Technical Working Group (PTWG).** The Policy Technical Working Group shall be the central clearing house of all DENR policy proposals and position papers relative thereto. As such, it shall have the following functions:
 - 3.3.1. Deliberate policy proposals as to their intended impacts, particularly on the economic, social, and natural resources and environment ramifications;
 - 3.3.2. Deliberate on the cross-sectoral (ENR) effects to ensure that the proposed policy is harmonized across sectors; and
 - 3.3.3. Deliberate on alternative provisions proposed by the PPS-PSD and by other PTWG members.

The PTWG shall be composed of officials and senior technical personnel representing the line and staff bureaus and major offices or units of the DENR Central Office such as, but not limited to the Office of the Secretary, Offices of the Undersecretaries, Assistant Secretaries, and service offices. Representatives from other offices or units not mentioned herein may be invited to provide technical expertise on relevant policy matters.

The PTWG shall be chaired by the Director of the PPS, with the Director of the Legal Affairs Service as the vice chair. The members shall be composed of the Assistant Directors of all bureaus as the permanent representatives or their concerned Division Chiefs as alternate, and senior technical personnel of the major offices or units of the DENR Central Office. The membership of the permanent and alternate representatives to the PTWG shall be formalized through a Special Order (S.O.) to be issued by the Secretary.

The PTWG meetings shall be conducted every first Friday of the month, or as the need arises, at a time and date agreed upon by its members.

3.4. **Policy Formulation Units.** The bureaus and other offices of the DENR shall be the basic Policy Formulation Units, and shall perform the following functions:

- 3.4.1. Conduct policy studies on various policy issues emanating from internal and external sources;
- 3.4.2. Formulate policy proposals based on studies conducted; and
- 3.4.3. Conduct stakeholder's consultations, if necessary.

Policy Formulation Structure. The policy formulation structure within the basic policy formulation unit shall be constituted, as follows:

- i. Technical Divisions / Technical Units – the formulation of policy proposals, policy studies, and stakeholder's consultations shall be undertaken by this group.
- ii. Policy Review Committee (PRC) – a Policy Review Committee shall be constituted in all basic Policy Formulation Units. In the case of Bureaus, this shall be created through the issuance of an S.O. by the Bureau Director. The PRC shall be chaired by the Assistant Director or Deputy Head of the Policy Formulation Unit, with Division Chiefs or Unit Heads as members. The respective Planning Division / Unit Head shall act as Vice-Chair. The Planning Division / Unit of the Policy Formulation Unit shall serve as Secretariat to the Committee. As constituted, the PRC shall review and deliberate on the validity and applicability of the policy proposals.

SECTION 4. DENR Policy Instruments. The policies of the Department shall be formulated and issued into three (3) types, namely:

4.1. DENR Administrative Order (DAO)

- 4.1.1. Basic ENR management policies relative to legal mandates;
- 4.1.2. Basic DENR organization, responsibilities and authorities; and
- 4.1.3. Guidelines on the execution of mandates called for by law or Presidential mandates.

4.2. DENR Memorandum Order (DMO)

- 4.2.1. Establishment and operationalization of ENR programs, projects and activities. This shall include program guidelines;
- 4.2.2. Guidelines on the furtherance of DENR units operations and execution of functions; and
- 4.2.3. Prescription of operating systems, procedures and DENR internal procedures.

4.3. DENR Memorandum Circular (DMC)

- 4.3.1. Instructions on the current implementation of projects;
- 4.3.2. Clarifications and amplifications of current policies; and
- 4.3.3. General pronouncements of the management having an implication on operations.

SECTION 5. Policy Development Process

- 5.1. Policy issues or proposals are generated from various operating units of the higher organs of the government, the public, and the sectors.
- 5.2. Policy issues or proposals shall be transmitted to concerned Policy Formulation Units for appropriate studies, consultation, and formulation of appropriate policy instrument.
- 5.3. The Bureau's/Policy Formulation Unit's internal Policy Review Committee (PRC) shall review and consider the policy issues/s for adoption as its policy proposal.
- 5.4. Within a period of three (3) working days after the internal review of the policy proposal by the PRC, the Head of the Bureau/Policy Formulation Unit shall endorse the policy proposal to the Undersecretary for Policy, Planning and International Affairs. The proposed policy shall be in an appropriate policy instrument as indicated in Section 4, and shall be supported by a Complete Staff Work (CSW) following the outline as structured in "Annex A".
- 5.5. Upon receipt of the proposed policy, the PPS-PSD shall conduct a review and evaluation thereof and submit its findings to the Director, PPS within a period of seven (7) working days. The said findings shall be reported by the PSD to the PTWG during the deliberation of the proposed policy.
- 5.6. The PTWG shall deliberate upon the proposed policy with regard to its cross-sectoral impact, and recommend its adoption by the DENR management, or further refinement, if necessary. The proposed revision and inclusion of additional comments/inputs on the draft policy shall be undertaken by the Secretariat. If the comments and proposed amendments from the PTWG are substantial, the proposed policy shall be returned to the proponent or the Policy Formulation Unit for further reformulation or revision not later than three (3) working days after the deliberation.
- 5.7. The final draft as agreed upon, shall be endorsed by the Bureau/Policy Formulation Unit to the Undersecretary for Policy, Planning and International Affairs through the Assistant Secretary for Policy, Planning and Foreign-Assisted and Special Projects within a period of three (3) working days.
- 5.8. The DENR Execom shall deliberate upon the proposed policy, taking into consideration the report of the PTWG, and adopt the same for endorsement to the Secretary or the duly authorized signatory. Within a period of three (3) working days, the PPS-PSD shall prepare the CSW to be signed by the Undersecretary for Policy, Planning and International Affairs, who in turn, shall endorse the draft policy for approval of the Secretary through the Undersecretaries/Assistant Secretaries concerned. Within a period of seven (7) working days, the Undersecretaries/Assistant Secretaries shall indicate their concurrences in the CSW prior to approval of the draft policy by the Secretary. The office's representative to the PTWG shall ensure that he/she has countersigned the

document prior to signing/concurrence by the concerned Undersecretary/Assistant Secretary.

- 5.9. Upon approval by the Secretary, the Special Communication and Initiatives Service (SCIS) shall facilitate the publication of all DAOs in a newspaper of general circulation, in coordination with the proponent/Bureau/office concerned. It shall also ensure that a copy of the policy is provided to and acknowledged by the Office of the National Administrative Register (ONAR).

The DENR Policy Development Process flow is illustrated in the attached diagram as "Annex B".

SECTION 6. Policy Development Framework (PDF). A Policy Development Framework (PDF), which forms an integral part of this Order and attached hereto as "Annex C" is hereby adopted to serve as a guide for officials and personnel on the Policy Development System of the DENR.

A guidebook / protocol for the PDS shall also be developed and issued.

SECTION 7. Funding. All DENR bureaus and offices involved in the Policy Development System shall allocate funds for related activities, including publication of policies.

SECTION 8. Transitory Provision. To ensure the continuity of operations, the present PTWG members shall remain as such until a new Special Order is issued reconstituting the PTWG.

SECTION 9. Repealing Clause. DAO No. 2016-09 is hereby repealed. All Orders, Memoranda and Circulars inconsistent herewith are hereby revoked or amended accordingly.

SECTION 10. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the Office of the National Administrative Register (ONAR), UP Law Center.

ROY A. CIMATU
Secretary



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MEMORANDUM

FOR : The Undersecretary for Policy, Planning and International Affairs

THROUGH : The Assistant Secretary for Policy, Planning and Foreign-Assisted and Special Projects

FROM :

SUBJECT :

DATE :

Background

- Provides background information necessary to understand the context of the proposed policy. It identifies the specific problem being addressed by the policy proposal and the rationale behind its crafting. This also discusses the benefits/advantages and/or disadvantages of the issuance of the proposed policy, the studies (cost-benefit analysis, problem tree or objective tree analysis, root cause analysis, stakeholder analysis, force field analysis, regulatory impact analysis) and projected impacts conducted (environmental, natural resources, economic, social, political).

Salient Features of the Proposed Policy

- Provides or enumerates the key points / features or significant components of the policy proposal.

Legal Basis

- A statement citing the legal basis/bases for the requested issuance or approval

Agencies Involved / Coordination

- An enumeration of the government agencies and instrumentalities that may be involved in or affected by the implementation of the requested issuance or action, by reason of their respective mandates, indicating those which: (i) agreed; (ii) disagreed; (iii) or failed to respond.

Implementation and Monitoring Plan / Scope of Implementation

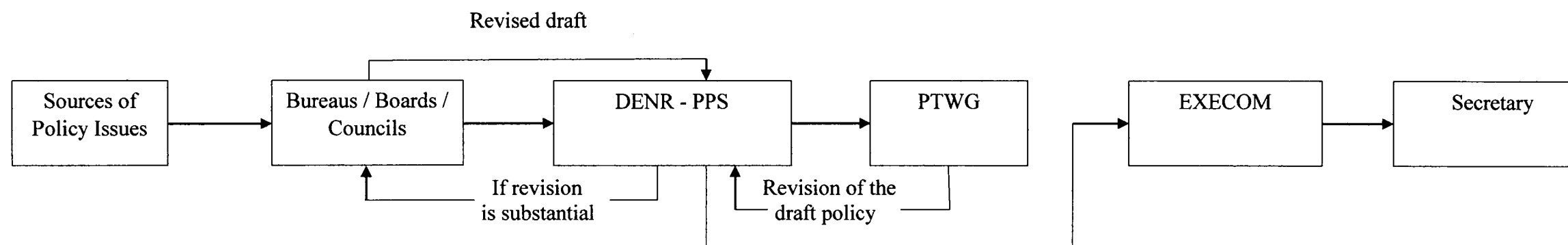
- Identifies who will implement the policy, the indicators to be monitored, and how the data for the indicators will be collected.

Recommendation

- A brief description of the recommended course of action embodied in the proposed issuance or request for authorization or approval.

(HEAD OF BUREAU/ OFFICE/ POLICY
FORMULATION UNIT)

DENR Policy Development Process



1. NGAs and LGUs
2. DENR Operating Units and agencies
3. NGOs / POs / Business Sector
4. International / Multilateral bodies

1. Conduct policy study
 2. Formulate policy proposal
- Internal process:
- i. Bureau's Formulation Unit
 - ii. Internal Policy Review Committee
 - iii. Adoption and endorsement by the Bureau / Council / Office Head to the DENR-Central Office (3 days)
- *Same number of days shall apply if the proposed policy is returned to the Bureau / Office for revision, as well as for resubmission to the DENR-Central Office

1. Review and evaluate proposed policy
2. Endorse findings / report to PPS Director (7 days)
3. Prepare CSW to be signed by the UPPIA (3 days)

1. Review evaluation report of PPS
2. Evaluate inter-sectoral impact
3. Recommend amendment/ alternative and additional inputs

1. Deliberate upon the proposed policy
2. Recommend adoption or revision
3. Provide concurrence if considered favorably (7 days)

Approve proposed policy

DENR POLICY DEVELOPMENT FRAMEWORK

I. Introduction

Pursuant to Executive Order (E.O.) No. 192 dated June 20, 1987, the Department of Environment and Natural Resources (DENR) is the primary government agency mandated to be responsible for the conservation, management and proper use, and sustainable development of the country's environment and natural resources. In accomplishing its mandates, the DENR instituted a policy development system as an integral part of the planning process, taking into consideration the anticipated and identified institutional, resources and systems issues verified at the field level. On July 3, 1992, DENR Administrative Order (DAO) No. 31, s. 1992 was issued establishing the DENR Policy Development System (PDS). It provided specific guidelines for the organization and functions of the different policy units of the DENR. Said policy development system was revised under DAO No. 2016-09 issued on June 10, 2016.

In light of new policy developments, challenges and changes in the policy environment, and to strengthen the DENR Policy Technical Working Group (PTWG) and the processes of policy formulation, implementation, monitoring and evaluation, a review and updating of the existing Policy Development Framework (PDF) was conceived. The need to streamline the existing protocols and improve the current policy development system requires the enhancement of the PDF.

On January 14, 2014, DAO No. 2014-01 was issued adopting a new organizational structure pursuant to E.O. No. 366 otherwise known as the Rationalization Program, which requires all departments/agencies to conduct comprehensive review of their respective mandates, missions, objectives, functions, programs, projects, activities and systems and procedures to improve the government's service delivery and productivity.

The enhancement and updating of the PDF will make it more pragmatic, operational and responsive to the current management requirements and set-up of the DENR.

II. Mission

To adopt and implement sound and responsive policies towards the sustainability of natural resources and protection of the environment for the improvement of quality of life of the present and future generation of the Filipino people.

III. Vision

The DENR providing sound and effective policies towards the sustainable use, development, management, protection and conservation of the country's environment and natural resources, as well as the equitable sharing of the benefits derived therefrom.

IV. Goal

Environment and Natural Resources (ENR) Policy Development System as an effective, efficient and responsive enabling mechanism to strengthen resilience of natural ecosystems and adaptive capacities of ENR dependent communities, ensure sustainable development and utilization of natural resources, and improve environmental quality.

V. Objectives

1. To set a standard on the development, implementation, and monitoring of all policies;
2. To address various policy issues and gaps identified in response to changes in the policy environment;
3. To design effective and efficient policies to influence outcomes;

4. To identify and establish the roles and responsibilities of the policy units involved in the development, implementation and management of ENR policies in an efficient, cost-effective and consistent manner; and
5. To institutionalize the enhanced Policy Development System of the DENR.

VI. The Policy Development Process

The Policy Development Process (PDP) is a logical and sequential approach to the formulation, implementation, monitoring and evaluation of policies. It involves the staff/line bureaus, regional offices, all stakeholders, attached agencies and DENR Central-based offices. The DENR PDP is divided into three (3) phases as described below:

A. Policy Formulation

1. **Issue / Problem Identification.** Key activities include the articulation of issues, problems and crisis and societal welfare needs that would require policy action. The sources and bases of problems and issues may emanate from the field, or those that are identified through policy agenda (policy pronouncements, Philippine Development Plan, international and inter-agency commitments, President's SONA, DENR ExeCom); policy review and assessment; result of policy monitoring; and current and emerging ENR issues (Policy gap assessment and policy monitoring review are included assuming that these processes are integrated in the PDS). Office sources may include the Executive, Legislative and the Judiciary branches, National Government Agencies (NGAs), international bodies, Civil Society Organizations (CSOs), Non-Government Organizations (NGOs), academe, Regional Development Councils (RDCs), Regional Government Agencies (RGAs), and the DENR and its offices. The issues or problems are determined through these parameters: a) mandated by law, b) mandated by international commitments, c) meeting developmental goals, d) result of monitoring and policy review (to include issues/problems arising from client satisfaction survey), and e) implementability.

It is important to note that the issue or problem should be clearly defined in order for an appropriate policy action to be formulated. A policy agenda is set and criteria and indicators are established and employed for prioritizing policy problems requiring attention by policy and decision-makers.

2. **Problem and Issue Analysis.** This step includes the gathering of facts and assessing the issue in a more in-depth manner using analytical tools (e.g., cost-benefit analysis, impact analysis, study of carrying capacity, problem tree analysis, objective tree analysis, root cause analysis, stakeholder analysis, force field analysis, regulatory impact assessment (RIA), SWOT analysis, policy log frame, etc.). This also includes impact studies involving environmental, natural resources, economic, social and/or political aspects. After analysis, the problems or issues should be stated clearly and elaborated adequately.
3. **Policy Options Formulation.** This involves defining the policy options including the objectives and strategies for achieving them; formulating the policy options or alternatives; evaluating and selecting the best policy option based on evaluation tools such as SD tools (environment, economic, social) and on its implementability/social acceptability; and drafting of the policy instrument. The elements of policy formulation shall include the legal basis, urgency, scope, objectives, ownership, consistency with other policies, collaborativeness, strong implementation and monitoring mechanism, effective public service delivery, and sustainability. The policy must be developed in such a way that it is specific, measurable, attainable/implementable, replicable/logical, timebound, effective and efficient. The policy-making process should veer away from compartmentalized approach and consider the framework as a whole. It is also important to include lessons learned or experienced in field implementation in the crafting of the policy. Proposed policies should have been refined at the sectoral level.

4. ***Policy Discussions and Agreements.*** The proposed policy is articulated and presented to the stakeholders to create an opportunity for others to review, comment and make suggestions on the draft document. Thereafter the proposed policy shall be revised accordingly. Building a consensus will pave the way for the adoption and subsequent endorsement of the draft policy to the PTWG.
5. ***Policy Approval and Adoption.*** The policy instrument may be in the form of a DENR Administrative Order, Memorandum Circular, Memorandum Order, Manuals and Guidebooks, draft Executive Order and other executive issuances, draft Implementing Rules and Regulations, draft legislative bills and joint issuances. After the presentation, deliberation and endorsement of the PTWG, the policy instrument shall be submitted to the DENR Executive Committee (ExeCom) for further review, prior to the approval of the Secretary. Once approved, the draft policy shall be circulated and published, if necessary.

B. Policy Implementation

Implementation translates the approved policy into a policy instrument, where the actions necessary to put it into effect are undertaken and supported by human and financial resources. Any deficiencies in the design or content of the policy are uncovered during its implementation.

C. Policy Impact Monitoring and Evaluation

The evaluation of a policy after its implementation is important to determine whether it has satisfied its objectives and met its desired reforms. This process should be able to capture both the positive and negative effects of the policy, and measure its success. In monitoring the policy, the following parameters should be considered:

- a. implementability of policy;
- b. compliance;
- c. acceptability (nationwide/regional level); and
- d. attainment of objective

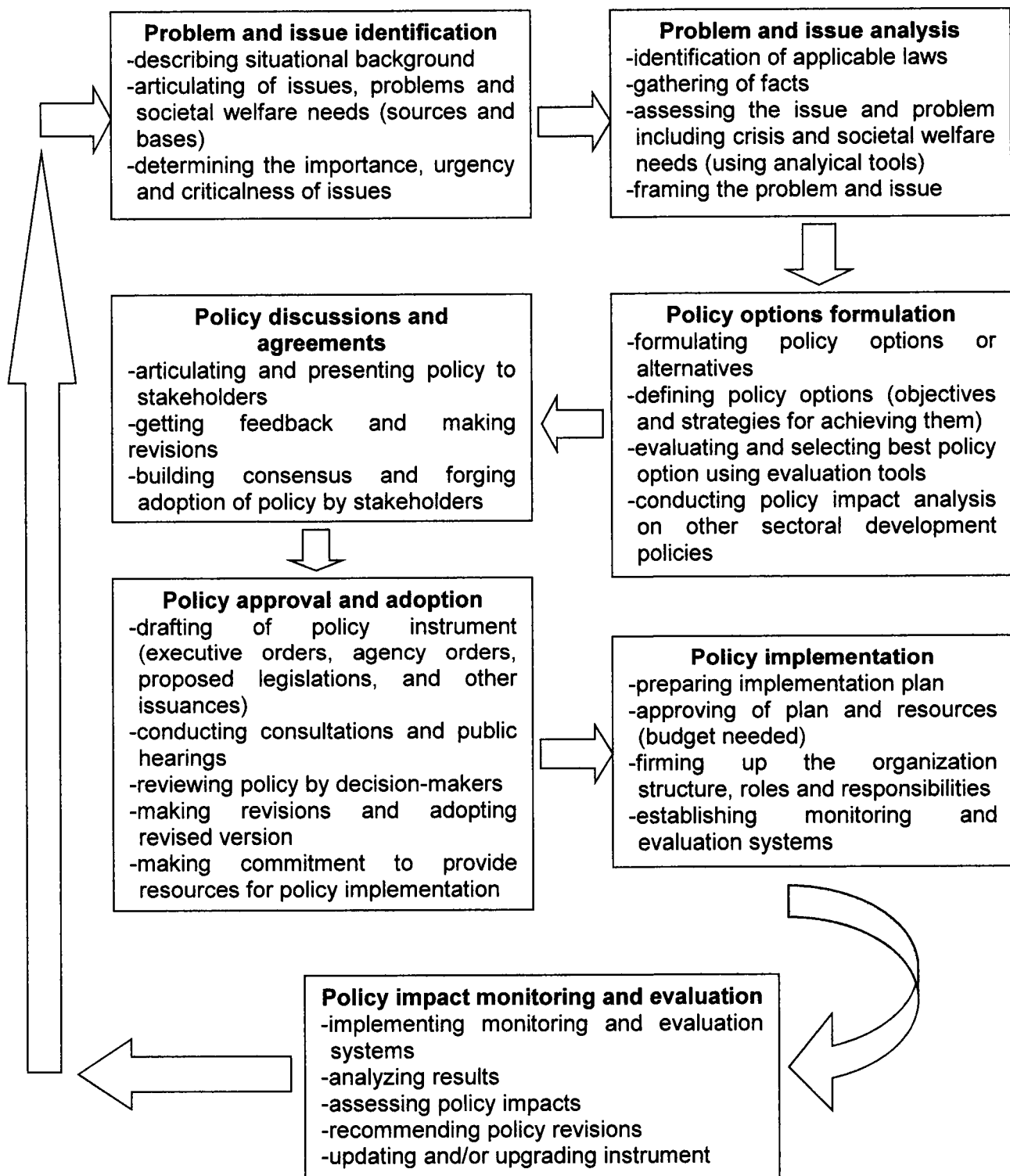
In addition, the following criteria for evaluation are: effectiveness; efficiency, social acceptability, administrative practicality, necessity/relevance, impact and sustainability.

To effectively evaluate the parameters for monitoring, the following questions shall be addressed:

- a. Do you know the policy?
- b. In what ways did the policy help you in your work?
- c. Was the policy flexible enough to attain the objectives?
- d. Please rate the present effects of the policy in your operation.
- e. How satisfied were the stakeholders in the implementation of the policy?
- f. Are the personnel consistent in the implementation of the policy?

In order to strengthen the Department's Policy Monitoring and Evaluation (M&E), the PSD shall coordinate with the Planning and Programming Division (PPD) and the Program Monitoring and Evaluation Division (PMED) of the Policy and Planning Service (PPS).

THE DENR POLICY DEVELOPMENT PROCESS





DENR-POLICY TECHNICAL WORKING GROUP

Minutes of Meeting No. 2020-13

December 18, 2020, 9:30 AM

Combination of Virtual Meeting via Google Meet and In-Person Hybrid Meeting
PPS Conference Room, 3/F DENR Bldg., Visayas Ave., Diliman, Quezon City

I. Attendees

- | | |
|--|--|
| 1. Dir. Melinda C. Capistrano, PPS | 21. For. Teodorico Marquez, MGB |
| 2. Asst. Dir. Mayumi Quintos-Natividad, ERDB | 22. Ms. Lora Mc-ren Abengozo |
| 3. Asst. Dir. Romeo Verzosa, LMB | 23. Mr. Nandy Santos |
| 4. For. Venerando U. Garcia, PSD | 24. Ms. Thess Legaspi, CCS |
| 5. Atty. Mary George C. Caldonga, MGB | 25. Mr. Allan Kliene Ligaya, OAFISMC |
| 6. Atty. Camilo D. Garcia, LAS | 26. For. Claudett Endozo, FMB |
| 7. For. Roberto A. Oliveros, OUEMMA | 27. For. Lemuel Celis, FMB |
| 8. Engr. Jarvis Valencia, OUSWMLGUC | 28. Ms. Cherry Winsom F. Holgado, PSD |
| 9. For. Flordelino M. Rey, OASPPFAP | 29. Ms. Nenita R. Zabala, PSD |
| 10. Ms. Encarmila B. Panganiban, OUALHRLA | 30. Ms. Marlyn C. Arzaga, PSD |
| 11. Ms. Aminah Veronica A. Blanco, OUALHRLA | Secretariat (PSD) |
| 12. Mr. Menandro Santos, OHEA/OCOS | 31. Mr. Nehemiah Leo Carlo B. Salvador |
| 13. Ms. Angela Tamoria, OUFOE | 32. For. Amisol B. Talania |
| 14. Ms. Alyssa Micah Macasieb, OUPPIA | 33. Ms. Anna Michelle I. Lim |
| 15. Engr. Ernestina Jose, SCIS | 34. Mr. Mary Lou Retos |
| 16. Engr. Lensy Bunuen, LMB | 35. Ms. Shaira G. Cerezo |
| 17. For. Kenneth Tabliga, FMB | |
| 18. For. Ray Thomas Kabigting, FMB | |
| 19. For. Ara Oredina, CCS | |
| 20. Ms. Imelda Matubis, CCS | |

II. Highlights of the Meeting

The meeting commenced at 9:30 AM and was presided over by Dir. Capistrano. The representative from FMB requested that their proposed policy be relegated as the last agenda for the meeting. Also, For. Garcia asked that the draft DAO on the Enhanced DENR Policy Development System (PDS) be reviewed after the briefing by the Anti-Red Tape Authority (ARTA) regarding the Regulatory Impact Assessment (RIA). The proposed revisions to the agenda were carried by the body.

1. Briefing Orientation on Regulatory Impact Assessment (RIA)

28 **Presentation and Discussions:**

- 29
- 30 • Ms. Karen Aquitana from the Anti-Red Tape Authority (ARTA) presented a briefer
- 31 on the Regulatory Impact Assessment that is required for all major policies under
- 32 RA 11032 or the Ease of Doing Business Act of 2018.
- 33
- 34 • She first introduced the newly-created ARTA, its mandates and its powers and
- 35 functions. ARTA is mandated to recommend policies, processes, and systems to
- 36 improve regulatory management, and review proposed major regulations of
- 37 government agencies covered under RA 11032. Currently, ARTA is working on the
- 38 finalization of the National Policy Regulatory Management System (RMS).
- 39
- 40 • She presented the process for conducting a Regulatory Impact Analysis (RIA) and
- 41 the proposed Templates. When an agency intends to introduce a new regulation, a
- 42 Preliminary Impact Assessment should be conducted. If ARTA determines that it is
- 43 a major regulation, the agency conducts RIA which provides detailed quantitative
- 44 and qualitative analysis. Afterwards, the agency submits the Regulatory Impact
- 45 Statement (RIS) to ARTA for review and approval. The ARTA Authority reviews
- 46 the RIS on whether the analysis assessed different options and arrived at best
- 47 possible option that justifies the cost. If the RIS is incomplete or lacking, ARTA
- 48 will provide recommendations to improve the proposal. ARTA will then request
- 49 meeting with the agency should there be further clarifications. Following approval,
- 50 the agency provides to issue and implement the regulation. She informed the body
- 51 that DENR has been identified as one of the pilot agencies for this and that they are
- 52 targeting the approval of the Guidelines on RIA by February 2021.
- 53
- 54 • Engr. Jose (SCIS) asked about the implications of a policy that fails to pass the
- 55 standards of ARTA. Can the ARTA deny the approval of an agency's policy or will
- 56 corrective measures be recommended, similar to the Environmental Impact
- 57 Statement. Ms. Aquitana replied that if the RIS submitted is insufficient or lacking
- 58 data or if the authority has additional questions, they will recommend, that before
- 59 implementing the regulations, the details in the RIS should be corrected.
- 60
- 61 • Engr. Jose asked if the ARTA has the necessary technical capacity to review the
- 62 environmental aspect of the DENR's regulations. Ms. Aquitana answered that the
- 63 Better Regulations Office will be the one reviewing policies and that they will hire
- 64 staff capable of reviewing the technical aspect.
- 65
- 66 • Engr. Jose inquired if they have any idea how many policies will go through the
- 67 ARTA. She pointed out that the ARTA may be deluged with policy proposals
- 68 considering that they will be reviewing policies from various sectors of the
- 69 government. Ms. Aquitana replied that they do not have a universe yet but that it is
- 70 the mandate of ARTA.
- 71
- 72 • For. Rey (OASPPFASP) asked if the ARTA has taken into consideration the
- 73 processing time for the conduct and review of RIA, which may take more than the
- 74 number of days stipulated in RA 11032. Ms. Aquitana responded that the RIS and
- 75 PIS should be a decision tool of the agency which would also be understood by the
- 76 public on how the agency arrived at the decision of the regulation. Regardless of
- 77 the lack of personnel at present in ARTA, if the PIS and RIS presented are

78 understandable, it will be reviewed not just in terms of processing time, no. of steps,
79 documentary requirements. With regards to prescribed processing time, this
80 mandated by law in RA 11032. However, they will give guidance because RIA is a
81 multi-stage undertaking.
82

- 83 • For. Garcia (PSD) asked if the ARTA will be selecting which types of policies will
84 undergo RIA. Ms. Aquitana answered that not all policies will undergo RIA and the
85 ARTA will filter submissions by the Preliminary Impact Assessment, which
86 includes details on policy objectives, rationale, consultation, brief impact
87 assessment, recommended option, and monitoring and evaluation plan.
88
- 89 • Engr. Valencia asked about the other agencies that are included in the
90 implementation. Ms. Aquitana said that there are more than 20 Departments and
91 Offices in the list, but does not include the NCIP. However, ARTA is discussing
92 the FPIC Process with them to fast-track interconnectivity infrastructure
93 development. Ms. Aquitana said that they will consider the NCIP in the list for
94 approval of the ARTA Director General.
95
- 96 • For. Cris Vispo (LAS) clarified whether the review of the Better Regulations Office
97 will focus on Cost-Benefit Analysis, Social and Economic aspects. Ms. Aquitana
98 replied that they will focus on the RIS and if they will ask the agency concerned for
99 clarifications if there are items that they do not understand.
100
- 101 • For. Oredina (CCS) asked if there will be a manual/guidebook on this matter. Ms.
102 Aquitana replied that there will be a Manual for agency guidance. They will also
103 issue the NPRMS which will be the policy governing the conduct of RIA.
104
- 105 • For. Garcia inquired about the next steps the DENR can take in order to better
106 understand RIA. Ms. Aquitana replied that they will finalize all the documents and
107 disseminate it to pilot agencies for comment. Mr. Anton Valde (ARTA) added that
108 the DENR is part of the target agencies for advanced RIA Training in the first
109 quarter of 2021. The ARTA prefers that the exact same participants capacitated in
110 the Basic RIA training are the ones who will attend the advanced training.
111 Moreover, he said that several briefings with various DENR officials were
112 conducted in the past year. Hopefully, this can be disseminated within the agency.
113 He also assured the body of their assistance, should it be needed.
114

115 **2. Draft DAO re Enhanced DENR Policy Development System (PDS)**

116 *Presentation and Discussions:*

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- 119 • For. Garcia discussed the background and rationale for the crafting of the draft
120 policy.
121
- 122 • On the prefatory statement of the draft policy, specifically on the last line thereof,
123 For. Oliveros suggested changing the word “established” to “formulated”.
124 Similarly, he suggested applying the same revision in Section 2.2.
125
- 126 • Engr. Valencia suggested incorporating a statement/line related to ARTA or those
127 that are in consideration of other agencies. In reply, For. Garcia commented that the

128 matter may be part of the policy development system itself, which includes
129 coordination with other agencies and the analysis of policy issues and concerns.
130 Dir. Capistrano instructed that the matter be considered in the draft policy.
131

- 132 • For. Oredina opined that it is more appropriate to review Annex C or the Policy
133 Development Framework (PDF) first prior to reviewing the system. In addition,
134 there may be aspects that were not considered in the previous policy which need to
135 be incorporated in the current draft.
- 136
- 137 • Dir. Capistrano inquired whether the proponent (Policy Studies Division or PSD)
138 has considered the RIA as discussed by the ARTA in the proposed policy. She
139 suggested incorporating the subject in the draft PDF. For. Garcia replied that the
140 RIA process has already been considered. Dir. Capistrano agreed with the
141 suggestion of For. Oredina to review first the PDF before the policy development
142 system.
- 143
- 144 • For. Oredina emphasized the need to capture the climate change resiliency aspect
145 in the objectives under the PDF. According to her, the goal should not only be about
146 the crafting and coming up with effective policies but should also be on building
147 resiliency in terms of ecosystem approaches. Dir. Capistrano agreed with the
148 suggestion and instructed the PSD to revisit the draft framework and incorporate
149 the resiliency concept, aside from sustainability.
- 150
- 151 • For consistency, Engr. Valencia suggested integrating in the framework the Mission
152 and Vision of the DENR.
- 153
- 154 • While Engr. Jose agreed with the proposed insertion of the climate change
155 resiliency aspect, and the policy impact analysis, she opined, however, that
156 inclusion of specific concepts should be prudently considered as this might limit the
157 scope of the framework/policy. For. Oliveros suggested using generic but with
158 additional catchy phrases to be able to capture the suggested concept/s.
- 159
- 160 • Dir. Capistrano suggested that the PSD revisit the approved ENR Framework Plan
161 and anchor therein the proposed DENR Policy Development Framework. For.
162 Garcia noted the suggestion and stated that the inputs will be considered to improve
163 the proposed policy as well as the framework.
- 164
- 165 • Referring to item 1 of the objectives of the framework, For. Oredina inquired on the
166 initial assessment of the development, implementation and monitoring of policies,
167 as well as the stages/processes of policy development. Considering that the
168 framework has already been previously issued, the Department should already have
169 an assessment with regard to the efficiency and effectivity of the policy
170 development system/process. In this manner, the Department should be able to
171 identify which aspects/areas of the system will need enhancing. In response, For.
172 Garcia stated that no formal study was conducted, but the assessment of the process
173 is a continuing activity of PSD. This includes the manner with which policy review
174 is conducted, and based on assessment, there are various aspects to improve on.
175 Feedbacks from bureaus and other offices on the processing of proposed policies
176 prior to approval by the Secretary are largely considered. In addition, feedbacks on
177 the implementation of policies on the ground are also appraised. Dir. Capistrano

- 178 mentioned that policy gaps are being addressed by PPS-PSD. However, there is a
179 need for assessment of policy implementation, and the identification and correction
180 of lapses.
181
- 182 • For. Garcia stated that in the enhanced system, the policy proponent should be able
183 to include an analysis of the proposed policy in the Complete Staff Work (CSW),
184 as well as capture the processes undertaken in crafting the draft policy. On the other
185 hand, the PPS will also endeavour to come up with a protocol on the conduct of
186 policy review by the action officers, to be able to validate the processes conducted
187 by the proponent and present these findings before the PTWG. For. Oliveros lauded
188 the efforts of PPS-PSD and mentioned that the latter is very responsive in
189 addressing the issues and concerns of the field offices. Dir. Capistrano added that
190 the goal is to improve the process to be able to address the bottlenecks and fast-
191 track the processing and issuance of proposed policies. She also commended the
192 PPS-PSD for facilitating the issuance of various policies.
193
 - 194 • For. Rey suggested incorporating the regulatory impact assessment proposed by the
195 ARTA in the draft policy and framework. He also noted that while policy impact
196 analysis will involve more in-depth analysis/study, it would be better if the PPS-
197 PSD should be able to undertake the same. For. Oliveros added that the Bureaus
198 may also conduct assessment of the implementation of their respective policies. Dir.
199 Capistrano commented that policy impact analysis should be a concerted effort
200 between and among the Central Office (PPS-PSD) and the Bureaus/proponents.
201 According to her, said stage should be arrived at once the policy process has been
202 improved. She also mentioned looking into the possible grant of honoraria to PTWG
203 members.
204
 - 205 • According to For. Oredina, the conduct of impact assessment is important in order
206 for the Bureaus to identify their impact areas. The Bureaus may be requested to
207 initially identify and focus on these areas. Dir. Capistrano commented that major
208 programs may also be identified, as well as the corresponding/applicable policies
209 that need impact assessment.
210
 - 211 • On the RIA process proposed by ARTA, Engr. Bunuen inquired if concurrence by
212 the ARTA on the proposed policy, which is similar to a pre-assessment process,
213 will be required prior to approval at the level of DENR. In addition, he manifested
214 his agreement to include the RIA process in the PDS.
215
 - 216 • Engr. Bunuen also made inquiries regarding the proposed policies on EVOSS and
217 Fees and Charges.
218
 - 219 • For. Oredina inquired whether there is a guidebook on the implementation of the
220 policy development system, including the parameters that should be looked into.
221 For. Garcia responded that there is no written procedure yet but a provision may be
222 inserted in the draft policy mandating the PPS-PSD to develop protocols or a
223 guidebook in the implementation of the system. This may be incorporated in Section
224 6 of the draft DAO.
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 - 226 • Engr. Bunuen inquired if concerns raised in the Quality Management System
227 (QMS) such as the rationale for the crafting of a certain policy may be included in

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the requirements of the system. Dir. Capistrano replied that policy proposals have triggers or based on identified needs.

- Engr. Jose suggested revising Section 3.1 of the draft DAO by deleting the line “as such, the Secretary has the authority to” since it appears redundant. Similarly, she suggested revising Section 3.2, particularly the line “is the focus of policy work in the Central Office, in coordination with”. According to For. Garcia, the line was lifted from the previous policy. He also stressed that there is no issue with the said statement considering that indeed, the PPS-PSD is the focus for policy work in the Central Office.
- On Section 3.3.1, Engr. Jose inquired on the distinction between the review conducted by the PPS and the deliberation undertaken by the PTWG. For. Garcia responded that the one conducted by the PSD is an initial review of the draft policy after submission by the Bureau/proponent. This usually involves review of the format, rationale for the drafting of the draft policy and the analysis undertaken by the Bureau/proponent. Thereafter, the comments/inputs of PPS-PSD are forwarded to the Bureau/proponent for refinement of the draft prior to deliberation by the PTWG. According to For. Garcia, the intention of the draft policy on the enhanced PDS is to deepen the analysis and review process of the PPS-PSD. In this manner, the inputs of the PTWG will further enhance and strengthen the proposed policy. Engr. Jose suggested that in order to avoid confusion, Section 3.3.1 should be revised to read “Deliberate policy proposals as to their intended impacts”.
- Engr. Jose queried whether the PTWG meetings shall indeed be conducted twice a month, as indicated in Section 3.3 of the draft policy. The Secretariat clarified that in the existing policy, it is stated that PTWG meetings are conducted at least twice a month. For. Garcia commented that per Dir. Capistrano, the PTWG meeting shall be conducted every first Friday of the month.
- For. Oliveros suggested inserting a provision in the draft DAO regarding the issuance of Special Order (S.O.) for permanent and alternate representatives of Bureaus/offices to the PTWG. In addition, said members shall be clothed with authority to represent their offices in the body. Dir. Capistrano and For. Garcia manifested their agreement with the suggestion.
- With regard to the chairmanship/membership to the PTWG, For. Garcia mentioned that it was indicated in the draft policy that the Director of Legal Affairs Service (LAS) shall be the Vice Chair of the PTWG. Dir. Capistrano stated that the PPS will endeavour to obtain the commitment of the Director, LAS.
- For. Oliveros inquired on the inclusion of the word “council” in Section 3.4 of the draft policy, and suggested that the same be changed to “attached agency/ies”. He also proposed the insertion of a provision regarding the issuance of S.O. by the Bureau Directors pertaining to the creation of their respective Policy Formulation Units.
- For. Oliveros inquired whether the memorandum order issued by the different officials of the Department to the field offices is covered by the policy development system. For. Garcia replied that under the draft policy, only three (3) policy

278 instruments are covered and considered policy issuances. These include the DENR
279 Administrative Order (AO), Memorandum Circular (MC) and Memorandum Order
280 (MO) all signed by the DENR Secretary.
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- 282 • For. Oliveros mentioned that some memoranda issued by the officials of the
283 Department are given more weight in terms of implementation as compared to the
284 policy issuances. For. Garcia commented that the Bureaus and the PPS should be
285 on the lookout for such issuances, and bring up the matter to the supervising official.
286 He added that a memorandum should only be for information and not treated as a
287 policy.
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- 289 • Another concern raised by For. Oliveros is the issuance of technical bulletins by the
290 Bureaus, which may be in conflict with the policy issuances. Relatedly, Engr. Jose
291 inquired whether the technical bulletins and DENR positions are not covered by the
292 policy development system. In response, For. Garcia stated that technical bulletins
293 are not considered policy instruments and may only be used as reference by the field
294 offices. On the other hand, DENR positions on certain topics/issues, particularly
295 those raised in international conferences should be consistent with existing laws and
296 policies. Dir. Capistrano mentioned that at the Central Office level, there is
297 disfavour on the issuance of technical bulletins by the Bureaus considering that this
298 is being inappropriately resorted to by the latter in case of policy gaps or when no
299 policy/guidelines is issued yet for the implementation of certain
300 programs/activities/projects. According to her, the issuance of technical bulletins
301 serves as comfort zones for the Bureaus in the absence of a policy issuance, which
302 sometimes causes confusion on the ground. For. Oliveros agreed that there is a need
303 to address the issue and limit the issuance of technical bulletins considering that
304 these will not stand in court. This negatively impacts field officials/personnel and
305 puts them in disadvantageous situations. For. Kabigting agreed and suggested that
306 as much as possible, all the details should be incorporated in the proposed policy
307 instrument.
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- 309 • For. Rey raised a similar concern regarding the issuance of memorandum
310 instructions by officials of the Department and whether these should be converted
311 into policy issuances. In response, For. Garcia stated that in order for the PPS-PSD
312 to assert its mandate as the focal point for policies in the Central Office, the latter
313 may recommend courses of action to the supervising official to mitigate the action
314 of other offices with regard to policy issuance. The other offices may be advised to
315 prepare a policy instrument/proposal to carry out specific instructions.
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- 317 • With regard to the comment pertaining to the sufficiency of seven (7) days for the
318 Undersecretary/Assistant Secretary to be able to concur with a proposed policy, For.
319 Oliveros commented that it should be the responsibility of the office's
320 representative to the PTWG to explain or discuss the proposed policy with the
321 official. Meanwhile, For. Rey asked whether the seven-day period will apply to
322 each Undersecretary/Assistant Secretary concerned. In reply, For. Garcia stated that
323 said period shall apply to each official and will not be treated collectively.
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- 325 • Ms. Panganiban inquired if the PTWG Secretariat is amenable to accepting e-
326 signature of the official with regard to his/her concurrence with a proposed policy.
327 For. Garcia commented that in order to protect the official, the document should be

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countersigned by a trusted staff. For. Rey added that the office's representative to the PTWG may countersign the document.

- For. Garcia inquired if the funds for the publication of approved policies may be included in the Planning Guidelines. According to him, the current practice is that it is the Bureaus that allocated funds for the publication. Dir. Capistrano commented that there should be no issue if the allocation of funds for publication of policies is done by the Bureaus.

Agreements:

- On the prefatory statement of the draft policy, particularly on the last line thereof, change the word "established" to "formulated". Apply the same revision in Section 2.2.
- Incorporate the regulatory impact assessment (RIA) process prescribed by the Anti-Red Tape Authority (ARTA) in the draft policy and the policy development framework (PDF).
- Consider the inclusion of the climate change resiliency aspect in the PDF.
- Review the approved ENR Framework Plan and anchor therein the proposed DENR PDF.
- On Section 3.1, delete the line "as such, the Secretary has the authority to".
- Revise Section 3.3.1 to read as: "Deliberate policy proposals as to their intended impacts..".
- On the line under Section 3.3 regarding the conduct of PTWG meetings, revise the same as "The PTWG meeting shall be conducted every first Friday of the month..."
- On Section 3.3, include a provision regarding the issuance of Special Order (S.O.) for permanent and alternate representatives of Bureaus/offices to the PTWG.
- On Section 3.4, change the word "council" to "attached agency/ies".
- On Section 3.4, include a provision regarding the issuance of S.O. by the Bureau Directors pertaining to the creation of their respective Policy Formulation Units.
- On Section 5.8, include a statement that the office's representative to the PTWG shall countersign the draft policy prior to signing/concurrence by the Undersecretary/Assistant Secretary concerned.
- On Section 6, insert a provision regarding the development of a guidebook on the implementation of the policy development system.
- Revise the draft DAO and the Policy Development Framework based on the comments/inputs of the PTWG members.
- PPS-PSD to discuss further with the Consultant the proposed enhanced PDS.

3. Draft DAO re Supplemental Guidelines to DAO No. 2020-07 (Rationalizing Dredging Activities in Heavily-Silted River Channels Pursuant to DENR-DPWH-DILG-DOTr Joint Memorandum Circular No. 1, series of 2019)

Presentation and Discussions:

- Atty. Caldona of MGB Legal Services Division presented the draft DAO. She clarified that there were no other proposed changes for the DAO 2020-07 aside from the inclusion of Highly Urbanized Cities (HUCs) and Independent Component Cities (ICCs) that are independent of Province in its scope and coverage.

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- Mr. Valencia asked if municipalities will not be included in the draft DAO. Atty. Caldoná responded that as per JMC No. 2019-01, the Provincial/City Mining Regulatory Board has the authority to issue mining permits. She added that the draft DAO shall supplement the provisions under DAO No. 2020-07 for mining permit applications lodged within the provincial and city governments.
- For. Garcia raised that the effectivity clause should include a statement indicating that the DAO would still pass through the UP ONAR after 15 days of its publication.
- Mr. Oliveros stated that the last statement in the Effectivity Clause may be removed since once the DAO is received by UP ONAR the retroactive application of the amended provisions will not take effect.
- Atty. Garcia said that upon effectivity of the DAO, the MGB can apply the provisions retroactively.
- For. Rey stated that the ‘dependent’ component cities were not covered by the draft DAO. Atty Caldoná said that the component cities are within the jurisdiction of the provincial government, and the ‘City’ in the draft DAO only pertains to HUCs and ICCs.

Agreements:

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- Include of the title of DAO No. 2020-07 in the subject as suggested by Mr. Oliveros.
- Emphasize the changes made in the draft DAO by making the text **bold** as recommended by For. Venerando U. Garcia.
- Include the standard effectivity clause being used in other issuances, “This Order partially amends and supplements DAO No. 2020-07, and **shall take effect fifteen (15) days after the publication thereof in a newspaper of general circulation and acknowledgement of receipt of a copy from the Office of the National Administrative Register (ONAR), UP Law Center.**”
- Retain the last statement under the effectivity clause: “The supplemental guidelines shall be made to apply retroactively.”

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4. Draft DAO re Guidelines in Developing Untenured Timberlands with Plantations Established through Government Funds

Presentation and Discussions:

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- A brief background on the drafting of the policy was provided by For. Ray Thomas Kabigting.
- The policy was drafted due to some issues on NGP in year 2011 from which the area of concern focused on Community -Based Forest Management Areas. Likewise, this policy will cover those areas developed by Peoples Organizations (POs) without tenurial instrument.

Most of which are covered through a Memorandum of Agreement under DENR Memorandum Circular (DMC) No. 2013-06 or the “*Guidelines and Procedure for*

425 *Plantation Development for the National Greening Program with Area Coverage*
426 *of 100 hectares and above within Public Forestlands through the Engagement of*
427 *Services of Private Sectors, Civil Society Organizations, Non-Government*
428 *Organizations, People's Organizations/Indigenous People, Local Government*
429 *Units and other Government entities".*

430
431 There is no problem in the private sector as there is a competitive bidding after the
432 termination of the NGP Development Contract.

- 433
434 ● It was also recorded that after three (3) years of contract, most of the areas on the
435 average have 60% survival rate which is below the set survival rate for established
436 plantations.

437
438 These was carried on the books of account and was not disposed which affects the
439 asset of the Agency.

- 440
441 ● For. Kabigting explained that the draft DAO was crafted to ease the management
442 and offer it to Private Investors who have the capability to develop the area for
443 commercial purpose.

444
445 For. Oliveros suggested that we can open the established plantation for FLAG,
446 FLAGT, CBFM, IFMA, and SIFMA.

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448 For. Kabigting also added to open the area for Carbon Sink related activities.

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450 For. Oliveros clarified if there are NGP Contracts/ Agreements which was recorded
451 in the book of accounts of the government. As this cannot be recorded considering
452 the survival rate requirements.

453
454 For. Kabigting said that based on the record, in year 2013 there are turned over areas
455 in the DENR after 3rd party evaluation. However, the 3rd party evaluation is 2-3
456 years ago.

- 457
458 ● As a follow-up question, For. Oliveros asked, if those contracts were not in the book
459 of accounts, is there a mechanism to monitor these areas for the release of the
460 retention fee. If the retention fee was given, is it reflected back in the book of
461 accounts. Thus, it is not reflected in the book of accounts.

462
463 For. Kabigting explained that this policy will address the issues raised regarding
464 untenured areas in Regions 10,11, and 13 with the assumption that it was turned over
465 to DENR.

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467 For. Oliveros, also provided information that a community labor group was allowed
468 before in those areas cited by For. Kabigting. However, after 3 years, usually it was
469 not yet reflected in the book of accounts.

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471 Section 3 (Objectives)
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- OIC-Director Capistrano asked the proponent to explain objective number 3, “provide incentives to investors, and generate additional sources of revenue for the government”.

For. Kabigting said that the non-fiscal incentives like no administrative fees was not touched in the proposed policy as we continuously have non-fiscal incentives. As such, recommended to delete item number 3 of the objectives.

Section 4 (Identification of Areas)

- For. Oliveros, expressed that this activity is an additional work for the Regional Offices. He recommended to use the NGP data and super impose it to respond to the requirement of this policy. He also recommended that the identified untenured areas can be open for Integrated Forest Management Agreement (IFMA), Socialized Industrial Forest Management Agreement (SIFMA), Forest Landuse Agreement (FLAg), and Forest Landuse Agreement for Tourism (FLAgT).

Section 5 (Publication of Areas)

- For. Kabigting requested to delete the sentence “The publication will be posted through the official websites of the Bureau, the Department, and the Regional Offices)” as the same provision was written on the first sentence of the paragraph.

Section 7 (Recoup of Investments)

- For. Oliveros recommended to come up with a pilot study regarding investment for those who will apply for a tenurial instrument instead of paying an application fee. He suggested to consider looking at the stumpage value, make use of the approved forestry investment road map, or consider a 75%/ 25% production sharing agreement.
- The OIC-Director Capistrano, recommended to revisit the production sharing modalities used by Integrated Natural Resources and Environmental Management Project (INREMP) and may try to replicate it.

She also asked what had happened to areas which were not turned over to DENR and affected by forest fire or calamities.

For. Kabigting said that these areas are delisted in the book of accounts, area/s which was affected by fortuitous events can be deleted.

As a follow-up question, OIC-Director Capistrano said that if we have those data what do we do now, do we open it for investment.

For. Kabigting said that we could reconcile the data.

Section 9 (Funding)

521 • The OIC-Director Capistrano asked the proponent what was the intent of provision
522 for funding. She said that we already have funded activities basically on the
523 database.

524

525 For. Kabigting suggested to delete section on funding.

526

527 Other concern/s raised

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529 1. For. Oliveros, said that the trees in the area will be cut during the harvesting period
530 and likewise consider the pronouncement of the Secretary during the special
531 meeting for the preparation for the Build Back Better meeting last November 2020
532 regarding the no cutting of trees on areas greatly affected by calamities e.i. Typhoon
533 Ulysses in Cagayan.

534

535 2. For. Rey, also to look into properties covered by Memorandum of Agreement
536 (MOA) which was developed but abandoned like the Adopt a Mountain Program.

537

538 **Agreements:**

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540 • Delete Objective number 3 on non-fiscal incentives.

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542 • Revise section 4 and use the database of NGP in the identification of untenured
543 areas which can be applied for IFMA, SIFMA, FLAg, and FLAgT.

544

545 • On section 5, delete the sentence “The publication will be posted through the
546 official websites of the Bureau, the Department, and the Regional Offices)” as the
547 same provision was written on the first sentence of the paragraph.

548

549 • On section 7, come up with a pilot study regarding investment for those who will
550 apply for a tenurial instrument instead of paying an application fee. Consider
551 looking at the stumpage value, make use of the approved forestry investment road
552 map, or consider a 75%/ 25% production sharing agreement.

553

554 • Revisit the production sharing modalities used by Integrated Natural Resources and
555 Environmental Management Project (INREMP) and may try to replicate it.

556

557 • Delete section on funding.

558

559 • Consider the pronouncement of the Secretary during the special meeting for the
560 preparation for the Build Back Better meeting last November 2020 regarding the no
561 cutting of trees on areas greatly affected by calamities e.i. Typhoon Ulysses in
562 Cagayan.

563

564 • Look into properties covered by Memorandum of Agreement (MOA) which was
565 developed but abandoned like the Adopt a Mountain Program.

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567 • Memorandum from the PTWG Secretariat on what has been taken-up shall be
568 released to FMB next Tuesday (December 22, 2020).

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- The PTWG will revisit the DAO after the re-endorsement of the revised DAO to the PTWG Secretariat.

There having no other matters to discuss, the meeting was adjourned at 3:00 PM.

Prepared by the Secretariat

Noted by:

FOR. VENERANDO U. GARCIA
OIC Chief, Policy Studies Division