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MEMORANDUM

FOR : All Undersecretaries
The Head Executive Assistant
All Assistant Secretaries
All Bureau Directors
All Service Directors
Executive Directors (MBCO, RBCO, ELEPS)
Heads of Attached Agencies (NAMRIA, NRDC, NWRB, LLDA)

FROM : The Undersecretary
Policy, Planning and International Affairs

SUBJECT : **HIGHLIGHTS OF EXECUTIVE COMMITTEE MEETING NO. 2022-05 HELD ON APRIL 25, 2022, 10:00 AM AT THE DENR-OSEC CONFERENCE ROOM**

DATE : APR 29 2022

We are furnishing herewith the Highlights of Executive Committee Meeting No. 2022-05 held on April 25, 2022 at the DENR-OSEC Conference Room, which tackled the Updates on the Draft Revised Manual of Authorities on Technical Matters.

FOR INFORMATION AND/OR APPROPRIATE ACTION.


ATTY. JONAS R. LEONES

MEMO NO. 2022 - 283



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EXECUTIVE COMMITTEE MEETING NO. 2022-05
HIGHLIGHTS OF THE MEETING
25 April 2022, 10:00 AM, OSEC Conference Room, DENR Central Office Building
Visayas Avenue, Diliman, Quezon City

The Executive Committee meeting commenced at 10:14 AM and was presided over by Usec. Juan Miguel T. Cuna, in lieu of Acting Secretary Jim O. Sampulna.

AGENDA	AGREEMENTS/INSTRUCTIONS/UPDATES	PERSON/OFFICE RESPONSIBLE	TIMELINE
1. Updates on the Draft Revised Manual of Authorities on Technical Matters	<ul style="list-style-type: none">• Dir. Glenn Marcelo C. Noble discussed the background on the revision of the Manual of Authorities on Technical Matters, as follows:<ul style="list-style-type: none">- The existing Manual of Authorities was issued in 2016 as DENR Administrative Order (DAO) No. 2016-07.- A workshop regarding the revision of the Manual was conducted in CY 2019 in San Mateo, Rizal and attended by the Bureaus, REDs, and RDs of EMB and MGB.- The draft Revised Manual was finalized, endorsed to the Executive Committee for vetting, and forwarded to the Secretary for approval.- The draft Revised Manual was not approved during the administration of former Secretary Roy A. Cimatu. With the assumption of Secretary Jim O. Sampulna, the document was returned to the Policy and Planning Service (PPS) for		

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	<p>updating, considering that various policies have been issued since 2019.</p> <ul style="list-style-type: none"> - The PPS circulated the draft Revised Manual of Authorities to the Bureaus for comment/concurrence/updating. The criteria for updating is that the provisions of the draft Manual should be based on existing policy/ies. - The challenge in the updating of the document is that the present Regional Officials may be different from those who attended the workshop in 2019. - Based on the agreement during the Management Conference in Cebu City, the draft Revised Manual of Authorities was circulated to the Regions and Bureaus for comment/concurrence on March 30, 2022. The regions that provided their comments include CAR, NCR, 1, 2, 3, 4A, 5, 7, 10, EMB-Region 10 and MGB-Region 4A. The BMB, EMB, LMB and MGB provided additional inputs/comments, while the FMB concurred with the current draft. - While revisions have been made based on existing policies, there are however, issues and concerns that are yet to be resolved. 		
<p>1.1. There are activities/limits of authority/approving or issuing authority that are not provided by existing policy/ies but are being implemented by the Region/Field Office</p>	<ul style="list-style-type: none"> • Issuance of Certification on Status of Land Classification for National Park/Protected Area by the RED: <ul style="list-style-type: none"> - Usec. Jonas R. Leones commented on the certifications issued by the DENR field offices which are not honored by the court since the required issuing authority is the Secretary. - Dir. Maria Lourdes G. Ferrer stated that the activity may be related to the issuance of certification for Alienable and Disposable (A&D) lands within protected areas (PAs) which is a grey area. In response, Usec. Ernesto D. Adobo, Jr. cited 		

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	<p>the case in Coron. According to him, whoever wishes to seek certification should instead approach the Register of Deeds (RoD) since the DENR is not a repository for titles. For purposes of the Manual of Authorities, he opined that this item should not be taken up. The DENR's position is the reversion of title, and the use of land classification (LC) as basis in certification.</p> <ul style="list-style-type: none"> - Dir. Tirso P. Parian opined that the approving or issuing authority for the certification should be the one who holds the records, which is the CENRO. While the RED may endorse this, the basis should be the CENRO records. This may be delegated by the RED and the CENRO concerned will certify. - Dir. Emelyne V. Talabis shared that the issuance of certification by the Secretary pertains only to judicial titling of lands. For administrative titling, it is the CENRO who certifies the status of land. She mentioned that in the case of PAs, a different authority may issue the certification if such is the intention. If the item is removed, the act of certifying will remain with the CENRO, regardless of the classification. Going back to the judicial titling, she clarified that this has been delegated to the Region pursuant to R.A. 11573. - Usec. Leones raised the issue on how to approach PAs that have no established boundaries as these are not yet legislated. - Asec. Ruth M. Tawantawan opined that the approving or issuing authority should be the CENRO since they have the data and control map on the status of lands. - Dir. Parian opined that the activity on the certification of land classification of National Parks/PAs differs from what is certified by the CENRO. He cited as an example the request of a quarry operator for a certification on area status. The RED issues the area status and the data will come from the 		

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	<p>CENRO and Division Chief concerned of the Region who validates if the area is within or outside the PA. Thus, the RED should be the approving authority. Usec. Adobo mentioned that there used to be a committee prior to the shift to a functional structure in the field. The Manual of Authorities did not consider this shift.</p> <ul style="list-style-type: none"> - On the query of Dir. Noble regarding the process in the Region and on his suggestion that this be reflected in the Manual, Dir. Parian reiterated that the certification is issued by the RED but the basis is the information from the PENRO/CENRO. However he clarified that this is for the issuance of certification for area status and not land classification. - Usec. Cuna mentioned that the item may be referring to certification of area status since under the 1987 Constitution, Protected Area is not a Land Classification and only National Park is considered a land classification. Usec. Adobo agreed and suggested that the issuance of certification on Area Status should be a sub-activity of land classification. - Dir. Parian suggested not specifying that the item is for National Park and PAs and that there should only be one entry for the Issuance of Certification of Area Status. Usec. Adobo commented that the issue will be the identification of the approving authority. - Dir. Natividad Y. Bernardino informed that the intent of the activity is to determine whether an area is within or outside the metes and bounds of the PA. In practice, the certification is issued by the RED through the Surveys and Mapping Division (SMD). She agreed with the suggestion to change the activity to "Issuance of Certification on Area Status." On the query of Dir. Noble regarding the purpose of the issuance 		

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	<p>of such certification when the land is already established as a PA, Dir. Parian clarified that requests for certification is done when there are applications for concession.</p> <ul style="list-style-type: none"> - Usec. Adobo stated that in order to provide guidance to the field offices regarding the matter, a policy or Memorandum Circular should be issued. - Usec. Joselin Marcus E. Fragada asked about other land classifications within PAs. Usec. Adobo responded that the issue was raised by Dir. Ferrer since R.A. 11038 or the ENIPAS Act recognizes vested rights within PAs. This being the case, Usec. Fragada suggested that this may only require explanation to RED Paquito Moreno of Region 3 who provided said comment on the Manual. Relatedly, Dir. Noble read the comment submitted by RED Moreno, to wit “Recommended change in the approving/issuing authority from RED to CENRO/Implementing PENRO. *Clarification if this is equivalent to the NIPAS Certification (a document issued by authorized DENR official for land use conversion under DAR AO 01-02, Presidential Commission for the Central Luzon Growth Corridor-Task Force on Land Use Conversion and Environment Compliance Certificate).” Asec. Tawantawan reacted that such areas are already titled, hence, outside PAs. - <i>While it was agreed that the activity will be changed to “Issuance of Area Status within or outside Protected Areas” with the RED as the approving or issuing authority, Usec. Cuna suggested consulting the issue with the REDs.</i> 		

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	<ul style="list-style-type: none"> • Issuance of Permits: <ul style="list-style-type: none"> a. Extractive activities such as cutting of planted trees and culling of exotic species within multiple use zones of PAs, with the Undersecretary for Field Operations as the approving/issuing authority <ul style="list-style-type: none"> - Dir. Parian stated that if the PA has an existing Protected Area Management Board (PAMB), it is the PAMB who will issue the clearance, with the RED as the Chairperson. This is the basis of the Undersecretary for Field Operations as the approving/issuing authority. Usec. Cuna remarked that the involvement of the Undersecretary for Field Operations only lengthens the process. Usec. Adobo commented that everything goes through the PAMB, which issues a resolution. The issue is whether it is proper to delegate the authority to the RED. - Usec. Fragada clarified with the other members of the Execom if by delegating the authority to the RED, who serves as the Chairperson of the PAMB, he/she can easily decide on matters raised to the said body. Dir. Parian remarked that the RED, as the PAMB Chairperson can solicit authorization from the PAMB to issue the permit. - Usec. Adobo commented that while the RED is the Chairperson of the PAMB, he/she does not at all times preside over the said body. The RED is not the deciding authority but the PAMB as a body. - Asec. Tawantawan opined that delegating the authority to the RED will streamline the process and will be in accordance with the Ease of Doing Business Law. 		

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	<ul style="list-style-type: none"> - Usec. Fragada remarked that PAMB members are composed of LGUs, who may at times, influence the decision of the body on critical issues such as cutting of trees within PAs. For streamlining purposes, the authority to issue permits may be delegated to the RED but the PAMB will have to contend with possible influences by some members. - Dir. Bernardo expressed her agreement with the suggestion to delegate the authority to the RED. - <i>It was agreed that the issuance of permit for extractive activities be delegated to the RED.</i> b. Cutting of naturally growing and/or planted trees within titled properties inside PAs - Dir. Al O. Orolfo suggested putting a qualifier for the said activity, i.e., for PAs that traverse two (2) locations, the approving or issuing authority will be a higher official. For areas straddling two (2) PAs, the approving authority shall be the Undersecretary for Field Operations; if within two (2) PENROs, the approving authority will be the RED; and if within two (2) CENROs, the approving authority is the PENRO. - <i>The suggestion was carried by the body.</i> 		
<p>1.2. There are activities being implemented by the Region/Field Office provided by existing policy/ies but the approving or issuing authority</p>	<ul style="list-style-type: none"> • Issuance of Order of Transfer of Leasehold Rights (Foreshore Lease Agreement/Miscellaneous Lease Agreement) - Dir. Noble mentioned that the LMB suggested indicating the Secretary as the approving authority consistent with Section 40 of CA 141. 		

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is not indicated or specified in the policy/ies	<ul style="list-style-type: none"> - Dir. Talabis remarked that this may be interpreted that the Secretary may further delegate said authority. Following the direction of Secretary Sampulna, said authority may be assigned to the Undersecretary for Field Operations at the Central Office level, or to the RED, subject to the decision of the body. Since the lease contract is approved by the Undersecretary based on DAO No. 2022-07, it is just proper that the Central Office is aware of the flow of the document, hence the recommendation that the approving authority be the Undersecretary. - Usec. Adobo commented that the records could just be forwarded to the Central Office and that if allowed under the rules/regulations, the authority may be delegated to the RED. - <i>It was agreed that the approving or issuing authority be delegated to the RED.</i> 		
	<ul style="list-style-type: none"> • Removal of a PAMB Member - Usec. Adobo stated that the membership of congressmen/congresswomen and senators in PAMB should be considered, such as the membership of Senator Cynthia Villar in the Las Piñas Parañaque Wetland Park PAMB. Usec Cuna remarked that it is quite possible for a PA to not have a senator as a member since there are only 24 senators. - Director Parian commented that politicians are considered ex-officio members. He surmised that members subject of removal in the Manual may refer only to those who are appointed by the Secretary such as People's Organizations, private entities, among others. 		

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	<ul style="list-style-type: none"> - <i>The body agreed to retain the Secretary as the approving authority.</i> 		
	<ul style="list-style-type: none"> • Suspension of SAPA <ul style="list-style-type: none"> - Dir. Noble confirmed that for this item, the issuing authority shall be the one to suspend the SAPA. - Usec. Cuna remarked that based on the recent issuance, the Supervising Undersecretary of the Bureau should be the one to suspend the SAPA. - Usec Adobo suggested referring to the old/existing Manual of Authorities. He commented that the approving/issuing authority should be the Secretary/Supervising Undersecretary for BMB. - <i>The suggestion of Usec. Adobo that the approving/issuing authority should be the Secretary/Supervising Undersecretary for BMB was carried.</i> 		
<p>1.3. There are activities/limits of authority not included in the draft Revised Manual of Authorities but are provided in existing policy/ies</p>	<ul style="list-style-type: none"> • Approval of Maps and Plans, and Issuance of Certificate of Acceptance <ul style="list-style-type: none"> - Dir. Talabis informed that a verbal instruction was issued by the Secretary to LMB to devolve the approving or issuing authority. As such, the Bureau has crafted the guidelines delegating the authority to the Chief of the Surveys and Mapping Division of the Regional Office. - Dir. Parian agreed with the proposal as this will expedite the process of approval of plans. 		

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	<ul style="list-style-type: none"> - On the query of Usec. Cuna whether the revision should be incorporated in the draft Manual, Dir. Talabis requested that the revision be included. - Dir. Noble suggested that the LMB should proceed with the processing of their draft guidelines. Dir. Talabis concurred and stated that the Bureau will continue the processing of the guidelines as it contains other provisions such as on new survey plan form/template, specifying that the Division Chief should be a licensed Geodetic Engineer, including the Assistant Division Chief, among others. - Dir. Norlito A. Eneran asked on who will act on appeals to the Orders of Rejection/Cancellation of Survey Plans issued by the Chief of SMD. He suggested that this should also be incorporated in the guidelines of LMB. - Dir. Ferrer also raised that there should be safeguards in the guidelines. In reply, Dir. Talabis informed that safety measures are in place in the LAMS-IVAS, where the progress of plans may be tracked. According to her, the LAMS can be viewed by the RED, ARD for the Technical Services, and even by the Undersecretary. 		
<p>1.4. The limits of authority for an activity in the draft Revised Manual of Authorities is not provided in the existing policy/ies</p>	<ul style="list-style-type: none"> • Issuance of Tree Cutting Permit for Trees within Recognized Sustainable Traditional Indigenous Forest Management Systems and Practices (STFRMSP) - Dir. Parian remarked that the issuance of STFRMSP is specific only to CAR. - Dir. Noble discussed the limits of authority proposed by CAR, i.e., if the volume is above 20-50 cu.m., the RED should issue the permit; if above 10-20 cu.m., the PENRO should issue the permit, and if 1-10 cu.m., the CENRO will 		

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	issuing authority. Dir. Parian agreed with the proposed threshold and the corresponding approving authority.		
1.5. The approving or issuing authority for a certain activity in the draft Revised Manual of Authorities is not in accordance with the existing policy/ies	<ul style="list-style-type: none"> • Issuance of Seizure Receipt of Forest Products/Tools/Equipment/ Conveyances - Dir. Eneran suggested revising the approving or issuing authority as Seizure Officer/Apprehending Officer. 		
1.6. The limits of authority for a certain activity is suggested to be re-incorporated in the draft Revised Manual of Authorities	<ul style="list-style-type: none"> • Disposition of Confiscated Forest Products - Dir. Eneran remarked that the approving authority may be retained as long as it is certified that the confiscated products are not subject of appeal. - Usec. Fragada and Usec. Adobo noted that disposition of forest products is provided under EO 23, s. 2011. Relatedly, HEA Roberto A. Oliveros informed that public auction is no longer implemented and that the priority for the disposition is the DepEd. Usec. Fragada concurred and added that the said issuance does not limit the disposition to DepEd only. - Usec. Adobo suggested that the specification/details where the confiscated products will be used should be provided as well. - Usec. Fragada raised the matter regarding the use of confiscated forest products by the field offices damaged by natural calamities. In reply, Usec. Adobo informed that this will be reflected in the bill of materials of the field office. - Dir. Eneran informed the body that a Memorandum of Agreement was executed between the DENR and the Department of Transportation – Land Transportation Office which provides that for confiscated conveyances with no 		

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	<p>certified true copy of documents, the Confiscation Order signed by the Secretary shall be honored and a sufficient document for transfer of ownership.</p> <p>- <i>It was agreed that item 2 (Disposition of Forest Products for Public Infrastructure through Donation) of DAO No. 2016-07 regarding the activity will be retained.</i></p>		
	<ul style="list-style-type: none"> On the issue raised by Usec. Fragada regarding retrieval/recovery of forest products, Dir. Noble informed that said activity was suspended although a Memorandum was issued by Secretary Sampulna on March 2, 2022 re Partial Lifting of the Suspension on the Issuance of Wood Recovery Permit. According to him, the matter will be discussed with the FMB. 		
	<ul style="list-style-type: none"> Usec. Cuna informed the body that the deadline for the finalization of the draft Revised Manual of Authorities is on Wednesday, April 27, 2022. 	PPS	April 27, 2022

There having no other matters to discuss, the meeting was adjourned at 11:52 AM.