



**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN**



MEMORANDUM

FOR/TO : The Assistant Secretary, Legal Affairs and Enforcement
Director, Biodiversity Management Bureau
Director, Ecosystems Research and Development Bureau
Director, Environmental Management Bureau
Director, Land Management Bureau
Director, Forest Management Bureau
Director, Mines and Geosciences Bureau
Chief of Staff/HEA, Office of the Undersecretary for Legal and Administration
Chief of Staff/HEA, Office of the Undersecretary Policy, Planning and International Affairs
Chief of Staff/HEA, Office of the Undersecretary for Field Operations (FO) – Luzon and Visayas and Supervising Undersecretary for MGB and EMB – Luzon and Visayas
Chief of Staff/HEA, Office of the Undersecretary for FO – Mindanao and Supervising Undersecretary for MGB and EMB – Mindanao
Chief of Staff/HEA, Office of the Undersecretary for Special Concerns and Legislative Affairs
Chief of Staff/HEA, Office of the Assistant Secretary for Policy, Planning, International Affairs and Climate Change
Chief of Staff/HEA, Office of the Assistant Secretary for FO – Mindanao
Senior Technical Staff, Legal Affairs Service-LRD
Senior Technical Staff, Climate Change Service
Senior Technical Staff, Internal Audit Service

FROM : The OIC Director
Policy and Planning Service

SUBJECT: **SUMMARY OF AGREEMENTS (SOA) DURING POLICY TECHNICAL WORKING GROUP (PTWG) MEETING NO. 2024-12 HELD ON 29 OCTOBER 2024, 9:25 AM AT THE OFFICE OF THE ASEC. FOR BIODIVERSITY CONFERENCE ROOM, 5/F DENR-CENTRAL OFFICE BUILDING AND VIA ZOOM**

DATE : **13 NOV 2024**

We are furnishing herewith the summary of agreements during the PTWG Meeting No. 2024-12 held on 29 October 2024, 9:25 AM at the Office of the Asec. for Biodiversity Conference Room and online via Zoom, which tackled the following proposed policies from the Biodiversity Management Bureau (BMB) and the Mines and Geosciences Bureau (MGB).

1. Draft DENR Administrative Order (DAO) re Declaring Certain Forest Area in Barangays Caupasan and Nagaparan, in the Municipality of Danglas in the Province of Abra as Critical Habitat for the Philippine Eagle (*Pithecophaga jefferyi*) and Other Threatened Wildlife Species;

MEMO NO. 2024 - 1019

Visayas Avenue, Diliman, Quezon City 1100, Philippines
www.dcnr.gov.ph

2. Draft DENR Administrative Order (DAO) re Declaring Certain Parcels of Land of the Public Domain situated at Sitio Angko of Barangay Batian in the Municipality of Maitum, Province of Sarangani as "Dakeol Forest Critical Habitat for the Philippine Eagle and Other Threatened Wildlife Species"; and
3. Draft DENR Memorandum Circular (DMC) re Guidelines in Determining the Taxable Percentage of Iron Content as Associated Mineral in Nickel Ores

Please be informed that the SOA has been circulated through email for further comments on 04 November 2024. Duly received comments/remarks from the Office of the Undersecretary for Legal and Administration (OULA) and Forest Management Bureau (FMB) had been incorporated in the said SOA last 11 November 2024. Moreover, there are no other substantial inputs received by the deadline hence, the SOA is hereby considered as concurred by the PTWG members who attended the said meeting.

As agreed during deliberation, the proposed policies of BMB shall be circulated to the PTWG members upon revision of the proponent for final comments/vetting. Meanwhile, the draft policy of MGB shall undergo another PTWG upon receipt of the complete document.

For your information and reference.


CHERYL LOISE T. LEAL



PTWG Meeting No. 2024-12
SUMMARY OF AGREEMENTS
29 October 2024 | 9:25 AM |

OAsec for Biodiversity Conference Room, 5/F DENR-CO Bldg. and via Zoom

I. Call to Order

The meeting was called to order by the PTWG Chairperson, Director Cheryl Loise T. Leal at 9:25 AM. She recognized the PTWG meeting attendees, as well as the participants from selected Regional Offices. The Secretariat called the roll of the attendees. Below is the list of the participants:

Presiding Officer: Dir. Cheryl Loise T. Leal	
Vice Chairperson: Asec. Norlito A. Eneran	
PTWG Members:	
BMB - Ms. Katherine Soriano Ms. Maria Lourdes Almeda For. Rachell H. Abenir	OULA - Dir. Donna Mayor-Gordove Ms. Lolita S. Presbitero
FMB - Ms. Manny Lie C. Racelis	OUFOLVE - Ms. Angela Tamoria
LMB - For. Lovella Galindon	OUFOM - Ms. Heartleen Albajera
EMB - Mr. Ross Ian Avino (Zoom)	OUPPIA - Ms. Carissa Aguinaldo For. Jeremy Rola
ERDB - Atty. Eugene Parafaque (Zoom)	OUSCLA - Ms. Hanah Buguina
MGB - Engr. Bernardo Bitanga Engr. Geleni Shalaine Bello	OASFOM - Ms. Juanita Timola
LAS - Mr. JB Bueno Ms. Juvymelle Bauyon	OASPPIACC - Mr. Karl Eugene Laig
CCS - Ms. Mel Matubis	KISS - Mr. Ariel Catindig
IAS - Ms. Laurene Papina	
Regional Offices Participants:	
CAR - Jacqueline Ponasen Zsarla Krizenver L. Pudol Sheryll Anne G. Martinez Ariz A. Pecban	R12 - Aileen Tenio, CENRO-Kiamba
PAMBCS-CAR, MENRO-Maitum	
MGB Regional Offices Participants:	
CAR- Engr. Stephen Joshua B. Blanco Mr. Jerone Gayyed Ms. Techie Damote	R1 - RD Carlos Tayag Engr. Nandry Clae B. Lagman Engr. Den Marc Estonilo Ms. Marie Rose B. Aguda- Tumulak Ms. Paula Morante
R12 - Mr. Roger Tamayo	R2, R4A, R7, R8, R9
Secretariat:	
For. Llarina S. Mojica	Ms. Cherry Winsom F. Holgado
For. Kelsie C. Miniano	Ms. Leila Dane P. Vega
Ms. Alyssa V. Calisay	Ms. Anna Michelle Lim
For. Raphael Celestino Y. Baskiñas	Ms. Mary Lou Retos
Mr. Nico Alphonse Dalusong	Mr. Lanli Mark R. Macay

For. Hazel Jasmine Chua	Ms. Debra Tante
For. Jezreelyn L. Milar	Ms. Amisol Talania

II. Adoption of the Provisional Agenda

Dir. Cheryl Loise T. Leal introduced the proposed policies for review by the PTWG. No manifestations were raised regarding the amendment of the agenda.

III. Discussions and Agreements on the Proposed Policies

- a. Draft DENR Administrative Order (DAO) re Declaring Certain Forest Area in Barangays Caupasan and Nagaparan, in the Municipality of Danglas in the Province of Abra as Critical Habitat for the Philippine Eagle (*Pithecophaga jefferyi*) and Other Threatened Wildlife Species

1. Preliminary Discussion:

- 1.1. Ms. Soriano and Ms. Almada of BMB discussed and addressed key points that were emphasized by the PTWG members with regards the general overview and intent of declaring certain areas in Mt. Sedir-Gumayya Ranges as Critical Habitat outlined as follows:

1.1.1. *Public/Stakeholder consultations*

- Public consultations were conducted and a resolution was issued by the concerned LGU which supports and highlights their consent on the proposed critical habitat declaration of the proponent.

1.1.2. *Presented polygon/map of the Mt. Sedir Gumayya Ranges proposed to be declared as Critical Habitat and conduct of actual ground truthing of NAMRIA upon its declaration*

- The body concurred that the boundaries of Mt. Sedir-Gumayya Ranges proposed to be declared a Critical Habitat to be consulted with NAMRIA. Copies of the consultations shall be provided to the PPS along with the re-endorsement of the revised policy with a Complete Staff Work (CSW);
- With regard to the issue on tenurial instruments and provisions in DMC 2007-02, BMB and FMB to consider discussing such for the purpose of alignment; and
- BMB to provide feedback as to whether NAMRIA had conducted ground verification/truthing on the approved policies on declared Critical Habitats.

1.1.3. Science-based and Technical Findings in declaring certain areas in Mt. Sider-Gumayya Ranges as Critical Habitat

- Although the last sighting of the Philippine Eagle in Abra was recorded in 2010, recent research by Dr. Luke Sapang indicates that the area continues to provide a suitable habitat for this species. Key factors include the presence of Dipterocarp forests, mixed-type of forest vegetation, proximity to the Apayao mountain ranges, and the requirement of 7,000 to 13,000 hectares for eagle pairs to thrive. Additionally, Mt. Sedir-Gumayya is recognized as part of the historical range of the Cordillera Administrative Region (CAR). Further, the Regional Eagle Watch Team conducts monthly monitoring to gather substantial sighting data of the Philippine Eagle.
- Despite the absence of an active nesting site of the Philippine Eagle in Abra, it was recorded that a nesting site was identified in Apayao in 2015. Per BMB, it is important to recognize that when a lone eagle is observed, it is often presumed to have a partner nearby. Consequently, regular monitoring is crucial to determine whether a breeding pair of Philippine Eagles is present in the area. Thus, the proposed Critical Habitat declaration ensued.

2. Policy Deliberation:

Provision	Comments/Agreements
Subject/Title	<ul style="list-style-type: none"> • Ms. Presbitero of OULA and Ms. Ponasen of DENR-CAR suggested revising the subject and prefatory statement for consistency, particularly the areas covered as follows: <i>"Declaring Mt. Sedir-Gumayya Ranges as Critical Habitat for recethe Philippine Eagle (sci. name) and Other Threatened Wildlife Species covering an area of... located in..."</i>
Prefatory Statement	<ul style="list-style-type: none"> • Revise accordingly. Ensure that this section is consistent with the Subject. • Transfer the line <i>"in order to protect the habitat of the Philippine Eagle..."</i> to Section 2. Objectives.
SECTION 1. Basic Policy	<ul style="list-style-type: none"> • Adopted
SECTION 2. Objectives	<ul style="list-style-type: none"> • Revisit the stated boundaries in 2.1 and revise accordingly. BMB to consult with NAMRIA as to who is the authority in the

	<p>conduct of surveys on forestlands and their role with regard to validation of surveys.</p> <ul style="list-style-type: none"> • For. Galindon of LMB suggested merging items 2.1 and 2.4 • For. Rola of OUPPIA, emphasized to follow proper formatting in 2.3.
<p>SECTION 3. Scope and Coverage</p>	<ul style="list-style-type: none"> • For. Rola recommended to fully state all the decimal places consistent with the preceding figures. • Remove the statement "<i>subject to private rights if there by any</i>". • Asec. Eneran stated that the Technical Description is Definite. With this, it is expected that a thorough survey and assessment should be conducted. • Ms. Presbitero sought clarification as to whether ground "demarcation" is synonymous to ground "verification." BMB to consult this concern to NAMRIA. • On the query of Dir. Leal whether NAMRIA had conducted actual ground truthing on declared Critical Habitats, BMB ensured that actual verification was performed on declared areas that they were able to monitor. • BMB to further consult the provision stated from line 73 to 83 to address the observed conflict with DMC 2007-02. • BMB to include/reflect the areas covered by the DENR projects and tenurial instruments. • BMB to check the Manual on Land Survey to clarify the roles and responsibilities of each entity in conducting ground truthing, delineation, demarcation, and verification of the area. • BMB to confirm with NAMRIA as to who is the authority in conducting ground truthing and issuance of technical descriptions.
<p>SECTION 4. Management of the Mt. Sedir-Gumayya Ranges Critical Habitat</p>	<ul style="list-style-type: none"> • Dir. Gordove and Ms. Presbitero of OULA suggested revising paragraph 1, separating the first and second sentences. • Revisit this section and align with DMC 2007-02. • For. Rola suggested aligning the partnerships with the objectives in Section 2, wherein the management will

	<p>include the full participation of LGUs, communities, peoples' organizations and other stakeholders.</p>
SECTION 5. Critical Habitat Management Plan (CHMP)	<ul style="list-style-type: none"> • Ms. Matubis of CCS suggested to consider including Climate Change issues in paragraph 2. It was also further emphasized to integrate gender lens perspective in the management plan. • Dir. Gordove and Dir. Leal recommended revising paragraph 2 to include as well the Species Conservation Management Plan for integration and alignment of strategies with the CHMP. It was also stressed to include translocation strategy in the CHMP. • Mr. Bueno of LAS-LPD suggested mentioning the MOA with LGUs and other parties in lines 126-127 of the last paragraph to align with DMC 2007-02. • Dir. Leal inquired whether the LGU is already capacitated in preparing the CHMP. She then emphasized to indicate possible linkages that could be tapped as providers for technical assistance.
SECTION 6. Monitoring and Evaluation (M&E)	<ul style="list-style-type: none"> • Change "<i>Mt. Sedir-Gumayya Ranges</i>" to "<i>Mt. Sedir-Gumayya Ranges Critical Habitat</i>" for consistency. • DENR-CAR shall update the CHMP every 5 years and submit an annual report to the Supervising Undersecretary of BMB, as suggested by OUPPIA and Dir. Leal. • Dir. Leal then stressed to expound the M&E. • Moreover, Dir. Leal suggested indicating the specific role of the CENRO/PENRO – upon declaration of a Critical Habitat in their respective jurisdiction, as this approach will be adopted in the performance indicator for the SPMS and OPCR of the concerned CENROs/PENROs. • Ms. Matubis suggested including the Information Management System [PAIS] in the M&E.
SECTION 7. Prohibited Acts	<ul style="list-style-type: none"> • The body concurred to mention all the prohibited acts and penalties stated in RA 9147.

	<ul style="list-style-type: none"> • DENR-CAR to coordinate with MGB-CAR with regards to the existing exploration activities in the area.
SECTION 8. Funding	<ul style="list-style-type: none"> • Ms. Presbitero inquired on the source of initial funding, since the GAA is already passed. • Dir. Leal suggested for BMB to augment initial funding for the CHMP preparation under the wildlife conservation fund. It was further stressed to explicitly indicate the amount that will be allocated by the BMB, along with relevant initial/corresponding activities.
SECTION 9. Separability Clause	<ul style="list-style-type: none"> • Adopted
SECTION 10. Repealing Clause	<ul style="list-style-type: none"> • Adopted
SECTION 11. Effectivity Clause	<ul style="list-style-type: none"> • Adopted
Agreement/ Recommendation	<ul style="list-style-type: none"> • Asec. Eneran moved for the approval of the proposed policy, subject to the proposed revisions. The motion was seconded by Ms. Presbitero. Dir. Leal declared the adoption of the proposed policy pending the recommended amendments.
Way Forward	<ul style="list-style-type: none"> • The PTWG Secretariat will furnish the proponent with the proposed revisions. The proponent will refine and submit the revised draft policy along with the copies of all consultations conducted to PPS before 15 December 2024. Thereafter, the revised draft policy shall be circulated to the PTWG members for final comment/vetting, prior to endorsement to the OUPPIA.
Other remarks	<ul style="list-style-type: none"> • DENR-CAR to verify with MGB-CAR regarding the existing mineral explorations in the concerned area. • PPS to include DMC 2007-02 in the 2025 Priority Policy. • BMB to revisit the DMC 2007-02 subject to relevant coordination and consultations with other concerned Bureaus/entities. • PPS to adopt the M&E functions of the CENROs/PENROs for the assessment of their respective declared Critical Habitats as part of the performance indicator for their SPMS and OPCR.

- b. Draft DENR Administrative Order (DAO) re Declaring Certain Parcels of Land of the Public Domain situated at Sitio Angko of Barangay Batian in the Municipality of Maitum, Province of Sarangani as "Dakeol Forest Critical Habitat for the Philippine Eagle and Other Threatened Wildlife Species"

1. Preliminary Discussion:

- 1.1. BMB conferred the general information of Dakeol Forest, its location map, the thriving threatened fauna and flora, sightings of Philippine Eagle, presence of Philippine Eagle preys, and the threats within the proposed Critical Habitat along with the intent of declaring the area as such.

2. Policy Deliberation:

Provision	Comments/Agreements
Subject/Title	<ul style="list-style-type: none"> • Refer and adopt the agreements on the previously deliberated draft DAO. • Kindly note that the title must be aligned with the prefatory statement.
Prefatory Statement	<ul style="list-style-type: none"> • Ms. Presbitero suggested transferring <i>"in order to protect the habitat of the Philippine Eagle and other threatened flora and fauna species..."</i> in Section 2. Objectives. • Adopt the same with the previously discussed draft policy.
SECTION 1. Basic Policy	<ul style="list-style-type: none"> • Adopted
SECTION 2. Objectives	<ul style="list-style-type: none"> • Inclusion of <i>"in order to protect the habitat of the Philippine eagle and other threatened flora and fauna species..."</i> from the Prefatory Statement. • Merge items 2.1 and 2.4. • Asec. Eneran suggested stating the acceptable and allowable ecotourism activities in the area. Reflect the same and discuss such in detail in the CHMP. • Recommendations stated herein shall also be applied to the previously discussed draft DAO.
SECTION 3. Technical Description	<ul style="list-style-type: none"> • Change the section title to <i>"Scope and Coverage"</i>. • Moreover, Asec. Eneran further recommended indicating/reflecting the Land Classification Map as basis. This recommendation shall also apply to the previously discussed draft policy. • Asec. Eneran emphasized to subject the policy to ground truthing first prior to declaring the area as a Critical Habitat

	<p>to (1) prevent duplication of work, (2) clarify its suspensive condition, (3) and prevent double use of resources. Asec. also cited EO 192 which authorizes the Regions to conduct surveys.</p> <ul style="list-style-type: none"> • Dir. Gordove remarked that in the protection perspective, the treatment of the boundaries should not be suspensive until verified. Instead, it should be immediately observed as the intent of the policy, further highlighting that the validated boundaries should only be referred to in case of raised conflicts/issues. • In response, Ms. Aileen Tenio of CENRO-Kiamba, stated that the Chief of Surveys and Mapping Division (Region 12-SMD) signed/affirmed the conducted survey stipulated in the Technical Description. CENRO-Kiamba further stated that they perform actual and yearly habitat assessment. However, the boundaries are not considered. Nonetheless, CENRO-Kiamba stated that there has been no conflict with the maps from LGU and no other claims were identified. She further stressed to retain the statement on the conduct of ground truthing of NAMRIA. • BMB to check their latest record on the conducted actual ground truthing of NAMRIA on declared Critical Habitats. Update on this shall be provided along with the submission of the revised policy. • BMB to check the Manual on Land Survey to clarify the roles and responsibilities of each entity in conducting ground truthing, delineation, demarcation, and verification of the area. • Recommendations stated herein shall be also applied along with the previous agreements on the proposed policy for Mt. Sedir-Gumayya Ranges Critical Habitat.
<p>SECTION 4. Management of the Dakeol Forest Critical Habitat for the Philippine Eagle and other threatened wildlife species</p>	<ul style="list-style-type: none"> • Refer and adopt the agreements on the previously deliberated draft DAO. • Asec. Eneran suggested changing "cooperating parties" to "partners" for consistency and include the

	<p>criteria/parameters with regard to fostering partnership with the latter.</p> <ul style="list-style-type: none"> Ms. Matubis recommended adding monitoring and evaluation as one of the roles of the partners.
SECTION 5. Critical Habitat Management Plan	<ul style="list-style-type: none"> Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 6. Monitoring and Evaluation	<ul style="list-style-type: none"> Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 7. Prohibited Acts	<ul style="list-style-type: none"> Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 8. Funding	<ul style="list-style-type: none"> Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 9. Separability Clause	<ul style="list-style-type: none"> Adopted
SECTION 10. Repealing Clause	<ul style="list-style-type: none"> Adopted
SECTION 11. Effectivity	<ul style="list-style-type: none"> Adopted
Agreement/ Recommendation.	<ul style="list-style-type: none"> Asec. Eneran moved for the approval of the proposed policy, subject to the proposed revisions. The motion was seconded by Ms. Presbitero. Dir. Leal declared the adoption of the proposed policy pending the recommended amendments.
Way Forward	<ul style="list-style-type: none"> The PTWG Secretariat will furnish the proponent with the proposed revisions. The proponent will refine and submit the revised draft policy along with the copies of all consultations conducted to PPS before 15 December 2024. Thereafter, the revised draft policy shall be circulated to the PTWG members for final comment/vetting, prior to endorsement to the OUPPIA.
Other Remarks	<ul style="list-style-type: none"> For the succeeding similar proposals, the Regional Office and NAMRIA should conduct a single ground truthing field activity as advised by Asec. Eneran along with cross and multi-sectoral consultations to ensure that overlapping issues are addressed prior to declaring areas as Critical Habitat. CENRO-KIAMBA to provide a map to MGB-Region 12 to confirm whether the area has existing tenements/MPSAs. DENR-Region 12 to verify with MGB-Region 12 about the existing mineral explorations in the concerned area.

c. Draft DENR Memorandum Circular (DMC) re Guidelines in Determining the Taxable Percentage of Iron Content as Associated Mineral in Nickel Ores

1. Preliminary Discussion:

- 1.1. Ms. Bello of MGB highlighted that the draft DMC is based on the MGB Memorandum Circular No. 2022-01 re Guidelines in Determining the Taxable Percentage of Gold and Iron Content as Associated Minerals in Dredge Materials.
- 1.2. She then proceeded to discuss the status quo, policy background, objectives, salient points, and sample calculations to clarify the PTWG members.
- 1.3. Concerning the conduct of public consultations, Mr. Bitanga of MGB stated that no stakeholder consultations have been conducted. However, he emphasized that a PTWG meeting involving the MGB Regional Offices has been undertaken.
- 1.4. Asec. Eneran and Dir. Gordove inquired about the law/ legal basis for the imposition of taxes other than the MGB MC 2022-01. MGB will look for a legal basis, if any.
- 1.5. Asec. Eneran agreed with the intent of the draft policy pending consultation with other relevant offices such as DTI, DOF, NRC, etc. Moreover, the draft policy will be submitted to ARTA for further assessment due to its regulatory nature.
- 1.6. Dir. Leal inquired why only iron is subject to tax imposition, given that other associated minerals are present in ores. MGB responded that only iron is being utilized with the rest of the associated minerals.
- 1.7. Ms. Presbitero suggested revising Section 1 (Authority of the Bureau), to cite the IRR of the Mining Act and to consider adding the defined charges as provided in RA No. 7729, Section 151-A or the Revised Guidelines on Taxation. She then stressed to indicate the legal basis for the 42% threshold.

2. Policy Deliberation:

Remarks	Comments/Agreements
Agreement/ Recommendation	<ul style="list-style-type: none"> • Ms. Presbitero moved to defer the discussion of the proposed policy, subject to the proposed revisions. The motion was seconded.
Way Forward	<ul style="list-style-type: none"> • Dir. Leal recommended to elevate the draft DMC into DAO considering the involvement of several stakeholders. She further stressed to submit the draft policy to ARTA due to its regulatory nature.

	<ul style="list-style-type: none">• MGB to conduct consultations with primary stakeholders such as MPSA holders, the mining industry, and other relevant entities.• MGB to revise the draft policy accordingly for submission to PPS. The policy will undergo another PTWG upon receipt of the complete documents. Kindly highlight in the presentation the legal basis to address the double-taxation concern that was raised during the preliminary discussion.• PTWG Secretariat to confirm whether the policy has been endorsed to the Assistant Secretary for Mining Concerns and Concurrent OIC Director Michael Cabalda.• As recommended by the Vice Chairperson, Asec. Eneran, PTWG Secretariat to invite the Legislative Liaison Office (LLO) to provide the body with updates on the pending Bills in Congress at the next PTWG meeting.
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There being no other matters to discuss, the PTWG meeting was adjourned at 2:00 PM.

Prepared by the Secretariat























































































Noted by:



CHERYL LOISE T. LEAL
OIC Director, PPS
Chairperson, DENR-PTWG

PHOTO DOCUMENTATION



 Kelsie (Me)  	 MGB-DENMARC  
 Llarina Mojica (Host) 	 MGBIVA 
 PSD Document (Co-host)    	 MGB-IX_GD 
 Aileen D. Tenio_CH Focal_DENR ...  	 MMD MGBRVIII 
 ARIZ PECBAN_CENRO Planning ...  	 Nandry Clae B. Lagman/ Engr. IV.  
 CAR-C-Lagangilang-Mark Elizar Brag... 	 Nannette Nacional  
 Carlos Tayag, RD MGB Region 1  	 pambcs denr12  
 DENR 12-MGB, RD EFREN CARL...  	 PENRO Abra_Zsarla Pudol  
 DENR PPS Hazel Chua  	 PPS-PSD_Nico Dalusong 
 Jacqueline Ponasen_EMS I_DEN...  	 Roger Tamayo, MMD Chief, MGB...  
 MGB R1 Paula Morante  	 Roja Guia Bati-on  
 MGB1-Supervising Geol - Marie ...  	 Sheryll Anne Martinez_EMS II_C...  
 MGB-DENMARC  	 STEPHEN JOSHUA BLANCO_ENGR II... 
 MGBIVA 	 Wendell Gador 
 MGB-IX_GD 	 Francis Combinido 
 MMD MGBRVIII 	 OUFOLVE - Angela Tamoria  



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN



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SUMMARY OF AGREEMENTS

29 October 2024 | 9:25 AM |

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Secretariat:	
For. Llarina S. Mojica	Ms. Cherry Winsom F. Holgado
For. Kelsie C. Miniano	Ms. Leila Dane P. Vega
Ms. Alyssa V. Calisay	Ms. Anna Michelle Lim
For. Raphael Celestino Y. Baskiñas	Ms. Mary Lou Rétos
Mr. Nico Alphonse Dalusong	Mr. Lanli Mark R. Macay

For. Hazel Jasmine Chua	Ms. Debra Tante
For. Jezreelyn L. Milar	Ms. Amisol Talania

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1.1.2. *Presented polygon/map of the Mt. Sedir Gumayya Ranges proposed to be declared as Critical Habitat and conduct of actual ground truthing of NAMRIA upon its declaration*

- The body concurred that the boundaries of Mt. Sedir-Gumayya Ranges proposed to be declared a Critical Habitat to be consulted with NAMRIA. Copies of the consultations shall be provided to the PPS along with the re-endorsement of the revised policy with a Complete Staff Work (CSW);
- With regard to the issue on tenurial instruments and provisions in DMC 2007-02, BMB and FMB to consider discussing such for the purpose of alignment; and
- BMB to provide feedback as to whether NAMRIA had conducted ground verification/truthing on the approved policies on declared Critical Habitats.

1.1.3. *Science-based and Technical Findings in declaring*

certain areas in Mt. Seder-Gumayya Ranges as Critical Habitat

- Although the last sighting of the Philippine Eagle in Abra was recorded in 2010, recent research by Dr. Luke Sapang indicates that the area continues to provide a suitable habitat for this species. Key factors include the presence of Dipterocarp forests, mixed-type of forest vegetation, proximity to the Apayao mountain ranges, and the requirement of 7,000 to 13,000 hectares for eagle pairs to thrive. Additionally, Mt. Seder-Gumayya is recognized as part of the historical range of the Cordillera Administrative Region (CAR). Further, the Regional Eagle Watch Team conducts monthly monitoring to gather substantial sighting data of the Philippine Eagle.
- Despite the absence of an active nesting site of the Philippine Eagle in Abra, it was recorded that a nesting site was identified in Apayao in 2015. Per BMB, it is important to recognize that when a lone eagle is observed, it is often presumed to have a partner nearby. Consequently, regular monitoring is crucial to determine whether a breeding pair of Philippine Eagles is present in the area. Thus, the proposed Critical Habitat declaration ensued.

2. Policy Deliberation:

Provision	Comments/Agreements
Subject/Title	<ul style="list-style-type: none"> ● Ms. Presbitero of OULA and Ms. Ponasen of DENR-CAR suggested revising the subject and prefatory statement for consistency, particularly the areas covered as follows: <i>"Declaring Mt. Seder-Gumayya Ranges as Critical Habitat for recethe Philippine Eagle (sci. name) and Other Threatened Wildlife Species covering an area of... located in..."</i>
Prefatory Statement	<ul style="list-style-type: none"> ● Revise accordingly. Ensure that this section is consistent with the Subject. ● Transfer the line <i>"in order to protect the habitat of the Philippine Eagle..."</i> to Section 2. Objectives.
SECTION 1. Basic Policy	<ul style="list-style-type: none"> ● Adopted

<p>SECTION 2. Objectives</p>	<ul style="list-style-type: none"> ● Revisit the stated boundaries in 2.1 and revise accordingly. BMB to consult with NAMRIA as to who is the authority in the conduct of surveys on forestlands and their role with regard to validation of surveys. ● For. Galindon of LMB suggested merging items 2.1 and 2.4 ● For. Rola of OUPPIA, emphasized to follow proper formatting in 2.3.
<p>SECTION 3. Scope and Coverage</p>	<ul style="list-style-type: none"> ● For. Rola recommended to fully state all the decimal places consistent with the preceding figures. ● Remove the statement "<i>subject to private rights if there by any</i>". ● Asec. Eneran stated that the Technical Description is Definite. With this, it is expected that a thorough survey and assessment should be conducted. ● Ms. Presbitero sought clarification as to whether ground "demarcation" is synonymous to ground "verification." BMB to consult this concern to NAMRIA. ● On the query of Dir. Leal whether NAMRIA had conducted actual ground truthing on declared Critical Habitats, BMB ensured that actual verification was performed on declared areas that they were able to monitor. ● BMB to further consult the provision stated from line 73 to 83 to address the observed conflict with DMC 2007-02. ● BMB to include/reflect the areas covered by the DENR projects and tenurial instruments. ● BMB to check the Manual on Land Survey to clarify the roles and responsibilities of each entity in conducting ground truthing, delineation, demarcation, and verification of the area. ● BMB to confirm with NAMRIA as to who is the authority in conducting ground truthing and issuance of technical descriptions.

<p>SECTION 4. Management of the Mt. Sedir-Gumayya Ranges Critical Habitat</p>	<ul style="list-style-type: none"> ● Dir. Gordove and Ms. Presbitero of OULA suggested revising paragraph 1, separating the first and second sentences. ● Revisit this section and align with DMC 2007-02. ● For. Rola suggested aligning the partnerships with the objectives in Section 2, wherein the management will include the full participation of LGUs, communities, peoples' organizations and other stakeholders.
<p>SECTION 5. Critical Habitat Management Plan (CHMP)</p>	<ul style="list-style-type: none"> ● Ms. Matubis of CCS suggested to consider including Climate Change issues in paragraph 2. It was also further emphasized to integrate gender lens perspective in the management plan. ● Dir. Gordove and Dir. Leal recommended revising paragraph 2 to include as well the Species Conservation Management Plan for integration and alignment of strategies with the CHMP. It was also stressed to include translocation strategy in the CHMP. ● Mr. Bueno of LAS-LPD suggested mentioning the MOA with LGUs and other parties in lines 126-127 of the last paragraph to align with DMC 2007-02. ● Dir. Leal inquired whether the LGU is already capacitated in preparing the CHMP. She then emphasized to indicate possible linkages that could be tapped as providers for technical assistance.
<p>SECTION 6. Monitoring and Evaluation (M&E)</p>	<ul style="list-style-type: none"> ● Change "<i>Mt. Sedir-Gumayya Ranges</i>" to "<i>Mt. Sedir-Gumayya Ranges Critical Habitat</i>" for consistency. ● DENR-CAR shall update the CHMP every 5 years and submit an annual report to the Supervising Undersecretary of BMB, as suggested by OUPPIA and Dir. Leal. ● Dir. Leal then stressed to expound the M&E.

	<ul style="list-style-type: none"> ● Moreover, Dir. Leal suggested indicating the specific role of the CENRO/PENRO – upon declaration of a Critical Habitat in their respective jurisdiction, as this approach will be adopted in the performance indicator for the SPMS and OPCR of the concerned CENROs/PENROs. ● Ms. Matubis suggested including the Information Management System [PAIS] in the M&E.
SECTION 7. Prohibited Acts	<ul style="list-style-type: none"> ● The body concurred to mention all the prohibited acts and penalties stated in RA 9147. ● DENR-CAR to coordinate with MGB-CAR with regards to the existing exploration activities in the area.
SECTION 8. Funding	<ul style="list-style-type: none"> ● Ms. Presbitero inquired on the source of initial funding, since the GAA is already passed. ● Dir. Leal suggested for BMB to augment initial funding for the CHMP preparation under the wildlife conservation fund. It was further stressed to explicitly indicate the amount that will be allocated by the BMB, along with relevant initial/corresponding activities.
SECTION 9. Separability Clause	<ul style="list-style-type: none"> ● Adopted
SECTION 10. Repealing Clause	<ul style="list-style-type: none"> ● Adopted
SECTION 11. Effectivity Clause	<ul style="list-style-type: none"> ● Adopted
Agreement/ Recommendation	<ul style="list-style-type: none"> ● Asec. Eneran moved for the approval of the proposed policy, subject to the proposed revisions. The motion was seconded by Ms. Presbitero. Dir. Leal declared the adoption of the proposed policy pending the recommended amendments.
Way Forward	<ul style="list-style-type: none"> ● The PTWG Secretariat will furnish the proponent with the proposed revisions. The proponent will refine and submit the revised draft policy along with the copies of all consultations conducted to PPS before 15 December 2024. Thereafter, the revised draft policy shall be circulated to the PTWG members for

	final comment/vetting, prior to endorsement to the OUPPIA.
Other remarks	<ul style="list-style-type: none"> ● DENR-CAR to verify with MGB-CAR regarding the existing mineral explorations in the concerned area. ● PPS to include DMC 2007-02 in the 2025 Priority Policy. ● BMB to revisit the DMC 2007-02 subject to relevant coordination and consultations with other concerned Bureaus/entities. ● PPS to adopt the M&E functions of the CENROs/PENROs for the assessment of their respective declared Critical Habitats as part of the performance indicator for their SPMS and OPCR.

- b. Draft DENR Administrative Order (DAO) re Declaring Certain Parcels of Land of the Public Domain situated at Sitio Angko of Barangay Batian in the Municipality of Maitum, Province of Sarangani as "Dakeol Forest Critical Habitat for the Philippine Eagle and Other Threatened Wildlife Species"

1. Preliminary Discussion:

- 1.1. BMB conferred the general information of Dakeol Forest, its location map, the thriving threatened fauna and flora, sightings of Philippine Eagle, presence of Philippine Eagle preys, and the threats within the proposed Critical Habitat along with the intent of declaring the area as such.

2. Policy Deliberation:

Provision	Comments/Agreements
Subject/Title	<ul style="list-style-type: none"> ● Refer and adopt the agreements on the previously deliberated draft DAO. ● Kindly note that the title must be aligned with the prefatory statement.
Prefatory Statement	<ul style="list-style-type: none"> ● Ms. Presbitero suggested transferring "<i>in order to protect the habitat of the Philippine Eagle and other threatened flora and fauna species...</i>" in Section 2. Objectives. ● Adopt the same with the previously discussed draft policy.
SECTION 1. Basic Policy	<ul style="list-style-type: none"> ● Adopted

<p>SECTION 2. Objectives</p>	<ul style="list-style-type: none"> ● Inclusion of <i>"in order to protect the habitat of the Philippine eagle and other threatened flora and fauna species..."</i> from the Prefatory Statement. ● Merge items 2.1 and 2.4. ● Asec. Eneran suggested stating the acceptable and allowable ecotourism activities in the area. Reflect the same and discuss such in detail in the CHMP. ● Recommendations stated herein shall also be applied to the previously discussed draft DAO.
<p>SECTION 3. Technical Description</p>	<ul style="list-style-type: none"> ● Change the section title to <i>"Scope and Coverage"</i>. ● Moreover, Asec. Eneran further recommended indicating/reflecting the Land Classification Map as basis. This recommendation shall also apply to the previously discussed draft policy. ● Asec. Eneran emphasized to subject the policy to ground truthing first prior to declaring the area as a Critical Habitat to (1) prevent duplication of work, (2) clarify its suspensive condition, (3) and prevent double use of resources. Asec. also cited EO 192 which authorizes the Regions to conduct surveys. ● Dir. Gordove remarked that in the protection perspective, the treatment of the boundaries should not be suspensive until verified. Instead, it should be immediately observed as the intent of the policy, further highlighting that the validated boundaries should only be referred to in case of raised conflicts/issues. ● In response, Ms. Aileen Tenio of CENRO-Kiamba, stated that the Chief of Surveys and Mapping Division (Region 12-SMD) signed/affirmed the conducted survey stipulated in the Technical Description. CENRO-Kiamba further stated that they perform actual and yearly habitat assessment. However, the boundaries are not considered. Nonetheless, CENRO-Kiamba stated that there has been no conflict with the maps from LGU and no

	<p>other claims were identified. She further stressed to retain the statement on the conduct of ground truthing of NAMRIA.</p> <ul style="list-style-type: none"> ● BMB to check their latest record on the conducted actual ground truthing of NAMRIA on declared Critical Habitats. Update on this shall be provided along with the submission of the revised policy. ● BMB to check the Manual on Land Survey to clarify the roles and responsibilities of each entity in conducting ground truthing, delineation, demarcation, and verification of the area. ● Recommendations stated herein shall be also applied along with the previous agreements on the proposed policy for Mt. Sedir-Gumayya Ranges Critical Habitat.
SECTION 4. Management of the Dakeol Forest Critical Habitat for the Philippine Eagle and other threatened wildlife species	<ul style="list-style-type: none"> ● Refer and adopt the agreements on the previously deliberated draft DAO. ● Asec. Eneran suggested changing "<i>cooperating parties</i>" to "<i>partners</i>" for consistency and include the criteria/parameters with regard to fostering partnership with the latter. ● Ms. Matubis recommended adding monitoring and evaluation as one of the roles of the partners.
SECTION 5. Critical Habitat Management Plan	<ul style="list-style-type: none"> ● Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 6. Monitoring and Evaluation	<ul style="list-style-type: none"> ● Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 7. Prohibited Acts	<ul style="list-style-type: none"> ● Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 8. Funding	<ul style="list-style-type: none"> ● Refer and adopt the agreements on the previously deliberated draft DAO.
SECTION 9. Separability Clause	<ul style="list-style-type: none"> ● Adopted
SECTION 10. Repealing Clause	<ul style="list-style-type: none"> ● Adopted
SECTION 11. Effectivity	<ul style="list-style-type: none"> ● Adopted
Agreement/ Recommendation	<ul style="list-style-type: none"> ● Asec. Eneran moved for the approval of the proposed policy, subject to the proposed revisions. The motion was seconded by Ms. Presbitero. Dir. Leal

	declared the adoption of the proposed policy pending the recommended amendments.
Way Forward	<ul style="list-style-type: none"> ● The PTWG Secretariat will furnish the proponent with the proposed revisions. The proponent will refine and submit the revised draft policy along with the copies of all consultations conducted to PPS before 15 December 2024. Thereafter, the revised draft policy shall be circulated to the PTWG members for final comment/vetting, prior to endorsement to the OUPPIA.
Other Remarks	<ul style="list-style-type: none"> ● For the succeeding similar proposals, the Regional Office and NAMRIA should conduct a single ground truthing field activity as advised by Asec. Eneran along with cross and multi-sectoral consultations to ensure that overlapping issues are addressed prior to declaring areas as Critical Habitat. ● CENRO-KIAMBA to provide a map to MGB-Region 12 to confirm whether the area has existing tenements/MPSAs. ● DENR-Region 12 to verify with MGB-Region 12 about the existing mineral explorations in the concerned area.

c. **Draft DENR Memorandum Circular (DMC) re Guidelines in Determining the Taxable Percentage of Iron Content as Associated Mineral in Nickel Ores**

1. Preliminary Discussion:

- 1.1. Ms. Bello of MGB highlighted that the draft DMC is based on the MGB Memorandum Circular No. 2022-01 re Guidelines in Determining the Taxable Percentage of Gold and Iron Content as Associated Minerals in Dredge Materials.
- 1.2. She then proceeded to discuss the status quo, policy background, objectives, salient points, and sample calculations to clarify the PTWG members.
- 1.3. Concerning the conduct of public consultations, Mr. Bitanga of MGB stated that no stakeholder consultations have been conducted. However, he emphasized that a PTWG meeting involving the MGB Regional Offices has been undertaken.
- 1.4. Asec. Eneran and Dir. Gordove inquired about the law/ legal basis for the imposition of taxes other than the MGB MC 2022-01. MGB will look for a legal basis, if any.
- 1.5. Asec. Eneran agreed with the intent of the draft policy pending

consultation with other relevant offices such as DTI, DOF, NRC, etc. Moreover, the draft policy will be submitted to ARTA for further assessment due to its regulatory nature.

1.6. Dir. Leal inquired why only iron is subject to tax imposition, given that other associated minerals are present in ores. MGB responded that only iron is being utilized with the rest of the associated minerals.

1.7. Ms. Presbitero suggested revising Section 1 (Authority of the Bureau), to cite the IRR of the Mining Act and to consider adding the defined charges as provided in RA No. 7729, Section 151-A or the Revised Guidelines on Taxation. She then stressed to indicate the legal basis for the 42% threshold.

2. Policy Deliberation:

Remarks	Comments/Agreements
Agreement/ Recommendation	<ul style="list-style-type: none"> ● Ms. Presbitero moved to defer the discussion of the proposed policy, subject to the proposed revisions. The motion was seconded.
Way Forward	<ul style="list-style-type: none"> ● Dir. Leal recommended to elevate the draft DMC into DAO considering the involvement of several stakeholders. She further stressed to submit the draft policy to ARTA due to its regulatory nature. ● MGB to conduct consultations with primary stakeholders such as MPSA holders, the mining industry, and other relevant entities. ● MGB to revise the draft policy accordingly for submission to PPS. The policy will undergo another PTWG upon receipt of the complete documents. Kindly highlight in the presentation the legal basis to address the double-taxation concern that was raised during the preliminary discussion. ● PTWG Secretariat to confirm whether the policy has been endorsed to the Assistant Secretary for Mining Concerns and Concurrent OIC Director Michael Cabalda.

	<ul style="list-style-type: none">● As recommended by the Vice Chairperson, Asec. Eneran, PTWG Secretariat to invite the Legislative Liaison Office (LLO) to provide the body with updates on the pending Bills in Congress at the next PTWG meeting.
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There being no other matters to discuss, the PTWG meeting was adjourned at 2:00 PM.

Prepared by the Secretariat

Noted by:



CHERYL LOISE T. LEAL
OIC Director, PPS
Chairperson, DENR-PTWG
Kelan *h* *

PHOTO DOCUMENTATION



K	Kelsie (Me)		
	Llarina Mojica (Host)		
	PSD Document (Co-host)		
	Aileen D. Tenio_CH Focal_DENR ...		
AP	ARIZ PECBAN_CENRO Planning ...		
	CAR-C-Lagangilang-Mark Elizar Brag...		
	Carlos Tayag, RD MGB Region 1		
D1	DENR 12-MGB, RD EFREN CARL...		
DP	DENR PPS Hazel Chua		
J	Jacqueline Ponasen_EMS I_DEN...		
MR	MGB R1 Paula Morante		
M	MGB1-Supervising Geol - Marie ...		
M	MGB-DENMARC		
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M	MGB-IX_GD		
MM	MMD MGBRVIII		
MM	MMD MGBRVIII		
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	PENRO Abra_Zsaria Pudol		
N	PPS-PSD_Nico Dalusong		
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	Roja Guia Bati-on		
SA	Sheryll Anne Martinez_EMS II_C...		
SJ	STEPHEN JOSHUA BLANCO_ENGR II...		
WG	Wendell Gador		
FC	Francis Combinido		
O-	OUFOLVE - Angela Tamoria		