



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTORS
All Regions
Except CAR

FROM : THE UNDERSECRETARY
Field Operations- Luzon, Visayas and Environment
Field Operations- Mindanao

SUBJECT : DIRECTIVE TO IMPOSE A CUT-OFF PERIOD FOR THE
PAYMENT OF OCCUPATION FEES BY UNAUTHORIZED
OCCUPANTS IN FORESHORE LANDS AND THE SUBSEQUENT
ISSUANCE OF NOTICE OF PREFERENTIAL RIGHT TO LEASE
THE SAME

DATE : APR 04 2024

This refers to the instructions of the Secretary during the Reprogramming Workshop in Tagaytay City, held last January 31 to February 2, 2024, on the improvement of foreshore area management, which was likewise discussed during the Executive Meeting held last February 5, 2024.

Accordingly, the Secretary instructed the Land Management Bureau (LMB) to recommend the collection of occupation fees for those foreshore occupants or users who do not have a Foreshore/Miscellaneous Lease Agreement to improve the management of foreshore areas.

It is worthy to mention that the Undersecretary for Field Operations and Environment in a Memorandum dated January 6, 2021, directed all Regional Offices/CENR Offices/Implementing PENR Offices to collect occupation fees from the occupants even without a permit or an approved appraisal and lease agreement subject to existing laws, rules and regulations as per Section 14(g) of the Land Administrative Order No. 8-3.

Moreover, to legitimize the utilization of these foreshore areas, it is imperative that the appropriate Foreshore/Miscellaneous Lease Agreement be applied thereon. Hence, you are hereby directed to undertake the following actions:

1. Issue a Notice of Preferential Rights, per Section 6 of DAO 2004-24², to those riparian/littoral owners who are utilizing the foreshore areas without the appropriate foreshore lease contract, viz:

Section 6. Preference of Riparian

The owner of the property adjoining foreshore/marshy lands or lands covered with water bordering upon the shores or banks of navigable lakes or rivers, shall be given preference to apply within sixty (60) days upon receipt of "notice of preferential rights" for such lands adjoining his property.

2. **Continue collecting occupation fees over foreshore areas which are being utilized without permit or Foreshore Lease Agreement** using the proposed appraisal value by the concerned Appraisal Committee and as recommended by your office pending the approval of the Secretary, subject to adjustment upon approval thereof, and to **simultaneously issue**

² August 24, 2004. Revised Rules and Regulations Governing the Administration and Management of Foreshore Lands.

a Notice of Preferential Rights to the riparian/littoral owners to apply for a Foreshore Lease Agreement within sixty (60) days upon receipt of the said Notice.


However, **if the actual occupant or user of the foreshore area is not the riparian/littoral owner, a Notice should likewise be given to provide them thirty (30) days upon receipt thereof to pay the occupation fee, apply for a Foreshore Lease Agreement, and submit a Waiver of Rights obtained from the riparian/littoral owner to utilize the foreshore area.** Moreover, the aforesaid Notices should also indicate that **occupation fees will no longer be collected from the owner or user of the foreshore area after the lapse of the sixty (60)-day prescribed period, and that failure to comply with the aforesaid requirements shall warrant them the immediate removal of any improvements built within the foreshore area and to vacate the same. The DENR shall upon coordinate with the local government unit who has jurisdiction over the areas.**

It should be emphasized however, that even if we collect fees on the land pursuant to the above-quoted provisions, the same should not, in any manner, be construed as to obligate the Regional Offices to recommend, much less give due course to applications that have been or may be, filed therefor, it being understood that such payment and/or filing of the applications does not vest in the occupants any preferential treatment in the acquisition of the land and that the acceptance and processing of applications are still subject to the laws, rules and regulations.

3. **Submit to the Land Management Bureau a comprehensive report on the implementation of these directives of the Secretary within thirty (30) days** reckoned from the end of the sixty (60)-day period of filing for application of appropriate Foreshore/Miscellaneous Lease Agreement and to copy furnish this Office for monitoring purposes.

For your guidance and strict compliance.


ATTY. JUAN MIGUEL T. CUNA, CESO I


JOSELIN MARCUS E. FRAGADA, CESO III

Cc:

The Director
Land Management Bureau

The Undersecretary
Legal and Administration



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel No. 929-66-26 to 29; 929-66-33 to 35
Website: <http://www.denr.gov.ph> / E-mail: web@denrgov.ph

MEMORANDUM

FOR : All Regional Executive Directors (except CAR)

FROM : The Undersecretary
Field Operations and Environment

SUBJECT : PROPOSED ISSUANCE OF DIRECTIVE TO THE FIELD OFFICES ON THE COLLECTION OF OCCUPATION FEES IN THE FORESHORE AREAS EVEN WITHOUT PERMIT AND AN APPROVED APPRAISAL

DATE : JAN 06 2021

This Office has noted that in COA's Audit findings the low revenue generated from the utilization of foreshore areas has been consistently part of their Audit Observations Memorandum. Accordingly, some Regional Offices were reluctant in collecting occupation/rental fees over foreshore lands that are being utilized for commercial or industrial purposes on the basis that they do not have permit and/or an approved appraisal from the Secretary.

Please be informed that the Regional Offices/CENR Offices may collect occupation fee even without a permit or an approved appraisal subject to existing laws, rules and regulations as per Section 14 (g) of the Land Administrative Order No. 8-3, which states that:

- g. If in the opinion of the Secretary of Agriculture and Commerce (now Department of Environment and Natural Resources), the Undersecretary or the Director of Lands, the **circumstances surrounding the case do not warrant the issuance of a revocable or provisional permit for the occupation and use of lands** mentioned in Lands Administrative Order No. 8-3, the **fees for such occupation and use shall be collected** in accordance with the rates provided for in Lands Administrative Order No. 8-3, as amended by LAO No. 8-4.

Likewise, the abovementioned provision was further reiterated in 2 (a) of Lands General Circular No. 58, entitled "*Directing District Land Officers to Collect Occupation Fees on Foreshore, Marshy, Reclaimed and other Government Lands Occupied by any Person or Entity without Authority or Permit*", to wit:

2. In pursuance of government policy to tap all sources that can generate income necessary to carry out the social and economic reform programs of the New Society and in order to rationalize and regulate the use and occupancy of government lands, particularly foreshore areas, all District Land Officers and other officials concerned are hereby directed: