



11 DEC 2020

MEMORANDUM

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

FROM : The OIC, Director
Policy and Planning Service

SUBJECT : **REQUEST FOR COMMENT/CONCURRENCE ON THE DRAFT DENR MEMORANDUM CIRCULAR (DMC) RE ADOPTION OF THE ALTERNATIVE DISPUTE RESOLUTION - MONITORING AND RESULTS SYSTEM (ADR-MRS) AND ITS USER MANUAL**

We are referring herewith the draft DMC proposed by the DENR Alternative Dispute Resolution Committee, regarding the adoption of the Alternative Dispute Resolution – Monitoring and Results System (ADR-MRS) and its User Manual.

Under the draft policy, a System shall be adopted which will serve as database for claims and conflicts cases and other disputes, and for the analysis and evaluation of the effectiveness of ADR in the Department. Said System has the capability to keep track of the cases referred to the ADR Officer (ADRO) and/or authorized third-party neutral, and the execution of the ADR process, hence, expediting the process of reporting the accomplishments. Furthermore, the ADR-MRS will serve as an immediate response system on questions/queries directed to the ADR Committee.

The draft policy was initially endorsed by the Acting Director, LMB, who is a member of the ADR Committee, to the DENR Central Office in a Memorandum dated June 15, 2020. A copy of the draft policy was also forwarded to this Office by the Chief, Investigation and Arbitration Division and Head, ADR Committee Secretariat, in an undated Memorandum. It was reviewed by the Policy Technical Working Group (PTWG) during the PTWG Meeting No. 2020-11 held on November 25, 2020, with the agreement that the PPS-Policy Studies Division (PSD) shall revise the draft policy based on comments and forward the same to the ADR Committee for refinement/additional inputs.

The revised draft policy was forwarded to the ADR Committee in a Memorandum from the undersigned dated November 25, 2020. In reply, the Director, Legal Affairs Service and member, ADR Committee informed this Office in a Memorandum dated December 7, 2020 that they have no further refinements/inputs to the revised draft, except for the inclusion of the

Information Systems Division (ISD) of the DENR-Knowledge and Information Systems Service (KISS) in Sections 8 and 10 of the draft policy.

In this regard, please submit your comment/concurrence on the draft policy to this Office on or before December 22, 2020. 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



**DENR MEMORANDUM CIRCULAR
NO. 2020 - _____**

**SUBJECT: ADOPTION OF THE ALTERNATIVE DISPUTE
RESOLUTION - MONITORING AND RESULTS
SYSTEM (ADR-MRS) AND ITS USER MANUAL**

Pursuant to Republic Act (R.A.) No. 9285, otherwise known as the “Alternative Dispute Resolution Act (ADR) of 2004”, DENR Administrative Order (DAO) No. 2005-18 entitled “Adoption of Alternative Dispute Resolution (ADR) Principles and Procedures in the Resolution of Appropriate Environment and Natural Resources Conflicts” and DAO No. 2016-30 entitled “Guidelines in the Conduct of Alternative Dispute Resolution (ADR) in Land Management and Disposition”, the DENR ADR Monitoring and Results System (ADR-MRS) is hereby adopted:

SECTION 1. Objectives. This Circular primarily aims to strengthen and improve the institutionalization and implementation of ADR in the Department. The following are its specific objectives:

- 1.1. To facilitate the institutionalization and implementation of ADR in the Department through proper monitoring and reporting of claims and conflicts cases, and other disputes referred for ADR;
- 1.2. To provide and establish a database which will assist in analyzing and evaluating the implementation of ADR in the Department;
- 1.3. To implement automated and real-time system of recording data and status of cases subjected to ADR process and generation of reports;
- 1.4. To keep track of the cases referred to the ADR Officer (ADRO) and/or authorized third-party neutral, and their implementation of the ADR process;
- 1.5. To expedite and enhance the process of regenerating reports and data in the implementation of the ADR system in the Department, the accomplishments of the ADROs and/or authorized third party neutrals when cases are referred to them for ADR process; and
- 1.6. To ensure transparency, accountability and integrity of records and data of cases subjected to ADR.

SECTION 2. Scope and Coverage. This Circular shall cover ADR processes conducted and facilitated by accredited ADROs in the DENR Central Office, Land Management Bureau (LMB), Regional Offices, Provincial Environment and Natural Resources Offices (PENROs), and Community Environment and Natural Resources Offices (CENROs).

This may also cover ADR processes from other bureaus or attached agencies that opt to utilize the System through their authorized third party neutrals.

SECTION 3. Definition of Terms. As used in this Circular, the following terms shall be defined as:

- 3.1. **Administering Officers** – the CENRO/PENRO/Regional Executive Director (RED) or authorized officer who issues and approves documents related to the ADR process.
- 3.2. **Alternative Dispute Resolution Monitoring and Results System (ADR-MRS)** – a web-based, automated and real-time monitoring tool that ensures the tracking and recording of the status and outputs/results of ADR proceedings. It is also referred herein as *the System*.
- 3.3. **Alternative Dispute Resolution Officer (ADRO)** – as defined under DAO No. 2016-30, a third-party neutral who passed the prescribed training requirements, accredited by the ADR Committee and confirmed by the DENR Secretary.
- 3.4. **Authorized Third-Party Neutral** - a designated employee who handles ADR processes from bureaus or offices of the DENR opting to adopt and utilize the System.
- 3.5. **Data Entry/Encoding** – the required process for ADROs or third-party neutrals to input complete and accurate data in the system as regards the cases referred to them for ADR.
- 3.6. **Record/Account Management** – a function within the System where end-users are guided on proper records management.
- 3.7. **Registration** – the process of recording personal information and login details by the accredited ADROs and/or third-party neutrals.
- 3.8. **Report Generation** – a function in the System where end-users are allowed to produce reports based on their encoded data or record viewing authority.
- 3.9. **Transmission of ADR Records** – a function in the System which records and allows the transmittal of document/s from an end-user in a lower level office in the DENR to a higher level Office for its approval or appropriate action.

SECTION 4. Adoption of ADR-MRS as the Standard System for Monitoring the Results of ADR Processes in the DENR. The System shall serve as the official, automated, web-based and real-time platform for recording data, status, and results of the claims and conflicts cases and other disputes handled or facilitated by the DENR-accredited ADROs and/or authorized third-party neutrals which were subjected to ADR process.

SECTION 5. ADR-MRS User Manual. The ADR-MRS User Manual (Annex A) shall serve as the guide for using the System.

In cases where there are improvements and developments in the System, the ADR Committee shall accordingly update the User Manual without amending this Circular.

The User Manual shall be reproduced and distributed to all accredited ADROs, authorized third-party neutrals and administering officers of their respective offices.

SECTION 6. Implementation of ADR-MRS. All DENR offices providing ADR services to disputing clients and stakeholders shall utilize the ADR-MRS in their respective offices.

The ADR Committee, through its Secretariat, shall oversee the implementation of this System and ensure that all concerned DENR offices, accredited ADROs and authorized third-party neutrals have created an account and follow the guidelines for using the System.

In the implementation of the ADR mechanism in the Department, the ADROs, third-party neutrals, or administering officers shall perform/observe the following:

- 6.1. Input the basic information of the case in the ADR-MRS and update the progress of the proceedings immediately after referral and session;
- 6.2. Completely and accurately encode data and status of the case in the ADR-MRS and ensure that the data inputted does not violate the confidentiality rules of the ADR process conducted;
- 6.3. Properly transmit the digital case file as indicated in the User Manual to the DENR-CENRO, PENRO, Regional Office, or Central Office, whichever is applicable, for appropriate action, immediately after termination of the ADR process;
- 6.4. For administering officers to immediately act upon the actionable digital documents transmitted through the ADR-MRS by the ADROs from lower level offices within a reasonable time as prescribed by the relevant rules;
- 6.5. System users are key stakeholders in the implementation of the ADR-MRS. Thus, they should be responsible in equipping themselves with knowledge on the process of record or account management and report generation as indicated in the User Manual; and
- 6.6. Keep abreast of the updates introduced in the ADR-MRS and share their knowledge or ideas on how to improve the System's processes to other authorized end-users.

SECTION 7. Features of the Monitoring and Results System. The ADR-MRS shall have the following features and functionalities:

7.1. Registration

The ADROs/users shall register by filling in the required fields and create a user account to access and utilize the System. Their registration shall be approved by the ADR Committee, who shall have the management and control of the System.

7.2. Data Entry / Encoding

With their approved registration, ADROs shall access the System and input and encode proper information on names of parties, case number, location of subject property, dates as to the filing of protest and referral to ADRO, and status of the proceedings. No other information on the proceedings shall be inputted in the System.

7.3. Dashboard Menu

This feature presents the data through graphs, tables and comparisons, data correlation, trend and period of the process and handling ADROs that will provide the ADR Committee and DENR Officers with reports to make informed decisions based on the monitored results, as well as to align strategies and organizational goals, identify and correct negative impact of trends, gain total visibility of all systems instantly, and quickly identify data correlations.

Reports generated through this feature may be used as the official figure and data statistics of the ADR implementation after validation by the ADR Committee.

7.4. File Attachment Menu

To validate the data inputted in the System and the actions taken on the case subjected to ADR process, ADROs must ensure to attach in the system the required documents indicated in the Manual. The document attached shall be in pdf or jpg file to preserve its integrity and shall be considered equivalent to an original document if it is a printout or output readable by sight or other means showing accurate data.

7.5. Record Account Management / Report Generation

Only the end-user through the System can create, read, update, and delete records of the ADR cases as well as to generate reports.

7.6. Transmission of ADR Records

The system provides for the transmission of digital records of the case subjected to ADR from the ADROs to the proper administering officer after termination of the ADR proceedings. This will allow the administering officer to act on time on the transmitted document and release it immediately.

In cases where parties in the ADR process have settled their disputes/conflicts, the Compromise Agreements (CA)/Amicable Settlements (AS) attached to the digital file of the case and transmitted shall be the actionable document of the administering officer to issue an Order of CA/AS, pursuant to DAO 2016-30.

SECTION 8. System Maintenance and Further Development. The ADR Committee, with the technical assistance of the Network Infrastructure Management Division (NIMD) and the Information Systems Division (ISD) of the DENR-Knowledge and Information Systems Service (KISS), shall provide support for software maintenance and enhancement of the ADR-MRS.

SECTION 9. Privacy, Protection and Security of Data. The users of the System shall ensure confidentiality in the management of data and information pursuant to R.A. 10173 or the Data Privacy Act and its Implementing Rules and Regulations (IRR), DAO No. 2016-30, and other existing laws, rules and regulations. Accordingly, only authorized users shall be allowed to access and input data and information in the System.

SECTION 10. Audit Mechanism. The ADR Committee, together with the NIMD and the ISD of DENR-KISS shall develop, adopt, and implement measures to ensure that the System functions properly, meets standard criteria for privacy and confidentiality and is properly implemented. Moreover, the ADR Committee, together with the NIMD and ISD shall put in place a mechanism to ensure that only authorized users can access the System.

SECTION 11. Information, Education and Communication (IEC). The ADR Committee shall carry out an activity to promote the use of ADR-MRS as a platform to enhance, expedite, or streamline the methods of recording data and gathering results of the ADR in the conduct of ADR processes implemented in the Department. The ADR Committee shall also ensure that the IEC on ADR-MRS shall be extended to the Regional Information and Communications Technology Units (RICTUs).

SECTION 12. Separability Clause. If for any reason, any section or provision of this Circular is declared null, no other section, provision or part hereof shall be affected and the same shall remain in full force and effect.

SECTION 13. Repealing Clause. All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed and/or modified accordingly.

SECTION 14. Effectivity Clause. This Circular takes effect immediately.

ROY A. CIMATU
Secretary