

**DENR CIRCULAR
No. 02**

SUBJECT: Providing for Guidelines in the Deputation of Members of the Indigenous Cultural Communities for Protection and Conservation of Forest Lands Within and/or Adjacent to Their Ancestral Domains/Traditional Territories.

Section 1. In line with the Constitutional mandate for State protection of the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being and the policy of the Department of Environment and Natural Resources for social equity and people participation in the protection and conservation of forest resources, under P.D. 705 as amended, and E.O. 192, qualified members of indigenous cultural communities shall be deputized as forest protection officers.

Section 2. The following documents shall be submitted by the cultural community through the Community Environment and Natural Resources Officers:

- a) Request of the indigenous cultural community for certain members to be deputized as forest protection officers over forest lands within and/or adjacent to their communities;
- b) Bio-data of the proposed deputies indicating full name, age, address, civil status and rank or position enjoyed in the tribe in accordance with their customary law;
- c) Certification from the concerned cultural community office (ONCC, OSCC, OMA) or a reputable, locally based non-governmental organization (indicating the address and years of existence of operations in area) that the proposed deputy/ies is/are members of the indigenous cultural communities;

- d) Undertaking by the requesting community and proposed deputies to strictly enforce forestry laws, rules and regulations, especially the apprehension of persons engaged in illegal logging activities and the confiscation of equipment used therein to be turned over to the custody of the CENRO;

The CENRO shall act on the said request within two weeks from receipt of the above documents. If the CENRO finds that everything is in order, he shall conduct a briefing on the pertinent forestry laws, rules and regulations, for the applicants and shall provide them with a copy of such laws, rules and regulations, particularly Chapter IV of P.D. 705. The CENRO shall certify that the deputies have been given the required briefing and that the community requesting the deputation occupy traditional areas within or adjacent to the forest areas identified for protection. He shall forward such certification and documents to the Indigenous Community Affairs Division (ICAD), Special Concerns Office (SCO) of the DENR Secretary, through the Regional Executive Director (RED).

Section 3. The Secretary or his duly authorized representative, shall issue the Special Order (S.O.) deputizing the said applicant/s, upon certification by the ICAD, SCO that all requirements have been complied with.

Section 4. The S.O. shall be issued direct to the deputy/ies, indicating the territory to be protected and shall confer the following authority/functions to the deputized forest protection officers:

- a) To detect/investigate violations of forestry laws, rules and regulations;
- b) To arrest even without warrant, any person who has committed, is committing, or is about to commit in their presence any of the offenses defined in Chapter IV of Presidential Decree No. 705, otherwise known as the Revised Forestry Code, as amended. within their territorial jurisdiction;
- c) To seize, confiscate the tools and equipment used in committing the offense and the forest products cut, gathered or removed by the offender/s. In all cases of detention, arrest, seizure and confiscation, they shall deliver within the period prescribed by law, from the time of arrest and/or seizure, the offender/s and confiscated forest product/s, tools and equipment, to the CENRO or PENRO concerned;
- d) To file the proper complaint and/or information with appropriate officials designated by law to conduct preliminary investigations through the CENRO/PENRO/RED;

- e) To administer oath and take acknowledgement in official matters connected with the authority granted herein, and to take testimony in official investigations conducted under the authority of the Revised Forestry Code, as amended, and its implementing rules and regulations;
- f) To exercise their power and authority granted herein within the jurisdiction of their traditional territories considered as the ancestral domain of the indigenous cultural community to which they belong;
- g) To exercise such other authorities/functions as may be necessary in the effective performance of the afore-mentioned duties of a forest protection officer.

Section 5. The Secretary may revoke and/or terminate deputation orders where the deputized forest protection officers have been found to have acted in violation of the laws, forest rules and regulations. Deputation orders shall be for a period of one year only, renewable upon favorable indorsements by the CENRO/PENRO/RED and the ICAD.

Section 6. This Circular takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

02sco/deputy

copy furnished:

- Undersecretary for Field Operations
- All Assistant Secretaries for Regional Operations
- All Regional Executive Directors
- Head Executive Assistant
- Director, Forest Management Bureau
- Director, Special Concerns Office

Signed on April 23, 1989