

**Administrative Order
No. 81
November 6, 1990**

SUBJECT: Guidelines on the Transfer of DENR Powers, Functions, Personnel, Budget and Properties and Equipment to the Autonomous Region for Muslim Mindanao (ARMM)

Pursuant to the provisions of Executive Order No. 425, dated October 12, 1990, the following guidelines are hereby promulgated for the guidance of all concerned.

SECTION I - DEFINITION OF TERMS

For purposes of this Order the terms and abbreviations listed hereunder are defined as follows:

1. **Transfer** - shall be taken to mean transfer, cede, convey or turn-over of powers, functions, personnel, budget, equipment and properties.
2. **ARMM** - refers to the Autonomous Region for Muslim Mindanao.
3. **ARG** - refers to the Autonomous Regional Government terms 2 & 3 may be used interchangeably.
4. **Department** - refers to the Department of Environment and Natural Resources or DENR
5. **MOA** - Memorandum of Agreement entered into by and between the DENR and the ARMM in certain areas of cooperation, coordination and assistance in the implementation of certain Environment and Natural Resources (ENR) programs and projects of the DENR within the area of autonomy.

SECTION II - SCOPE AND STRATEGY OF TRANSFER

A. Powers and Functions

Consistent with the supplementary to Section 5(D) of Executive Order No. 425, enumerating in general terms the functions of the DENR, the following specific powers and functions on the different Environment and Natural Resources services are hereby turned over, to wit:

a. On Forest Management

1. Approve subclassification of forest lands.
2. Approve original and renewal of rattan cutting permits.
3. Approve disposition of confiscated forest products.
4. Approve Industrial Tree Plantation Agreement (ITPA) and other forest plantation agreements.
5. Issue suspension and/or cancellation orders to erring holder of natural resources agreements.
6. Approve the acquisition and installation of forest-products processing plants.
7. Issue and renew forest products processing plants permit to operate.
8. Approve Integrated Forest Management Plan.
9. Issue public and gratuitous permit within declared calamity areas for public infrastructuring projects.
10. Issue Certificates of Stewardship Contracts (CSC)/Community Forest Stewardship Agreement (CFSA).
11. Approve Community Forest Management Agreement (CFMA) and Forest Land Management Agreement.
12. Approve original and renewal of special use permits.
13. Approve reforestation contracts.
14. Issue original and renewal of ordinary minor forest product permits.
15. Issue original and renewal of Certificate of Registration for logs, poles, piles and lumber dealers.
16. Issue Certificate of Land Classification status.
17. Issue original and renewal of ordinary mangrove plantation cutting permits.
18. Approve certificate of wood identification.
19. Approve and issue Certificate of Origin of forest products.
20. Issue forest products discharge and transport clearance/permit.
21. Approve all contracts for supply of forest products.
22. Approve and issue Timber Production Sharing Agreement (TPSA)/Provisional Timber Production Agreement (PTPA).
23. Supervise the activities of holder of Timber License Agreements (TLAs).
24. Approve private land title permit.
25. Approve Forest Land Grazing Lease Agreement (FLGLA)/forest land grazing permits.
26. Approve Range Management Plan (RMP) of all pasture lease agreements.

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27. Approve Integrated Annual Operations Plan (IAOP) of Timber License Agreements (TLAs).

b. On Land Management

1. Approve the appraisal of public lands and issue the authority to conduct bidding.
2. Approve the transfer of public land application or deeds of sale/mortgage of patented lands.
3. Issue patents.
4. Decide cases involving claims/conflicts within public lands.
5. Approve leases of public lands.
6. Issue order for the conduct of bidding for cadastral surveys.
7. Approve and sign contract for survey projects.
8. Approve and sign maps and plans for public land subdivision and cadastral survey projects.
9. Approve appraisal and reappraisal of leased areas.
10. Approve foreshore lease.
11. Issue survey order or authority to survey public land subdivision.
12. Issue order of execution of final decision on land cases.
13. Issue orders of investigation.
14. Issue order of bidding and approve contracts for Cadastral and Public Land Subdivision (PLS) survey projects.
15. Sign survey contracts for Public Land Subdivision and Cadastral projects.
16. Approve and sign maps for all types of isolated surveys.
17. Approve survey plans for operation land transfer (OLT) and other agrarian reform projects.
18. Issue revocable or provisional permit for alienable and disposable lands.
19. Issue authority to inspect cadastral projects.
20. Issue certificate of acceptability of cadastral survey returns.
21. Issue certification on survey and land disposition records.
22. Issue survey orders for Integrated Social Forestry parcellary survey projects.

c. On Mines and Geosciences

1. Issue and renew industrial permits.
2. Issue mineral prospecting and exploration permits.
3. Approve mineral survey returns and plans.
4. Issue and renew quarry permits/licenses.
5. Issue special permits to dispose ores/minerals recovered during exploration.
6. Approve and issue small scale mining permits.
7. Issue permit to install and operate mechanical and electrical equipment for mine and quarry operations.
8. Issue special permit to ship ore samples abroad for laboratory analysis, but in commercial volumes.
9. Issue Blaster's Foreman License and make amendments thereof subject to the approval of the Philippines Constabulary (PC).
10. Approve the Annual Work Obligation (AWO) and Work Programs of mining licensees/permittees.
11. Issue Sand and Gravel (SAG)/Commercial and special permits with one year duration.
12. Issue and renew guano permits.
13. Issue and renew gold panning permits pursuant to MRD No. 41 and MC No. 11.
14. Register Declaration of Location (DOL) and other mining documents.

d. On Environmental Management

1. Issue authority to construct, and permit to operate pollution control equipment/devices, including the collection of corresponding fees/charges.
2. Issue accreditation of pollution control officers of industrial firms and local government entities.
3. Conduct surveillance, monitoring, inspection and investigation of pollution sources and control devices and undertake/initiate measure relative to pollution-related complaints of the general public.
4. Hear/gather evidences or facts on pollution cases as delegated by the Pollution Adjudication Board (PAB).
5. Approve plans and issue permit for mine tailing disposal, including environmental rehabilitation plans.
6. Issue clearance certificate to vehicles which passed the smoke-belching test.

e. On Protected Areas and Wildlife Management

1. Issue permit to transport species of wildlife flora and fauna listed in the Convention on the International Trade of Endangered Species (CITES), locally and abroad.
2. Issue wildlife collection permits for experimental/commercial purposes.
3. Approve the establishment of city, provincial, municipal, or barangay tree parks as mandated by LOI No. 1312.
4. Issue/approve authority/certification to transport species of wild animals/birds not listed in CITES.

f. On Ecosystems Research and Development

1. Approve research and development proposals.
2. Approve the Regional Integrated Research and Development Program related to environment and natural resources.
3. Execute research, development and research management agreements with other departments of the government and with international agencies.
4. Approve regional research and development prioritization system including the allocation of resources.
5. Designate areas for experimental/demonstrations or pilot purposes.
6. Enter into research development and research management agreements with research and allied institutions.
7. Approve technology for effective schemes of technology transfer.
8. Supervise, coordinate and monitor the implementation of approved research and development activities within the region.
9. Approve the publication of technical and semi-technical articles.

B. Programs and Projects

All locally funded programs and projects which are at present being implemented by the Provincial/ Community Environment and Natural Resources Offices of the Department in the provinces of Lanao del Sur, Maguindanao, Tawi-tawi and Sulu are hereby transferred to the ARMM.

C. Administration

1. Personnel

- a. All plantilla positions allocated to the four (4) provinces falling under the ARMM, whether belonging to career service or not, and the personnel occupying these positions are hereby transferred.**
- b. Career Officials affected by the transfer who are presently deployed outside of the ARMM may be retained by the Department until December 31,1990.**

2. Budget

All budgetary allocations of the four (4) provinces for November and December accruing from the 1990 General Appropriations Act are deemed transferred to the ARG to support the implementation of on-going programs and projects turned over under this Order. The Department of Budget and Management (DBM) shall effect the necessary transfer thereof.

3. Properties and Equipment

- a. All properties and equipment presently under the possession and use of the DENR offices and personnel in the four (4) provinces within the ARMM, except equipment procured out of foreign assistance funds and specially intended to the projects to be retained by the DENR, are likewise deemed turned over.**
- b. The DENR and the ARG may share in the use of existing office buildings in the cities of Marawi and Cotabato.**

SECTION III - FUNCTIONS AND PROJECTS RETAINED WITH THE DENR

The national government through the DENR shall retain jurisdiction over the following strategic areas:

- a. All national reserves, protected areas and parks (both terrestrial and aquatic);**
- b. Areas containing or later found to be containing strategic minerals, such as uranium, coal, petroleum, fossil fuels and oils;**

- c. Existing and potential energy sources such as rivers and geothermal vents, including the areas they embrace;
- d. Identified critical watersheds and existing watershed reservations;
- e. Established forest reserves and reservations with national significance; and
- f. Foreign assisted projects implemented by the DENR.

The management of these areas may however be transferred to the ARG subject in its consent and to certain conditions and requirements as may be prescribed in a MOA between the ARG and the DENR.

SECTION IV - LIABILITIES

1. Consequent to the transfer of power and functions and the budgets therefor, service and contracted liabilities by DENR field offices other than those involving foreign-funded projects, such as lease agreements for office building, land reform and cadastral surveys, security services, etc. shall be transferred to the ARMM for its assumption of the obligation thereto.

SECTION V - TECHNICAL ASSISTANCE

As the need arises and upon request of the ARG, the DENR shall extend all possible technical assistance in the execution of Environment and Natural Resource programs and projects.

SECTION VI - RESPONSIBILITIES OF DENR FIELD OFFICIALS

The Regional Executive Directors and other concerned officials of Region 9 and 12 are hereby enjoined to extend full cooperation and assistance in the expeditious completion of the transfer.

SECTION VII - TRANSITION PERIOD

Until such time that the ARG-DENR shall have been fully organized and the Regional Assembly shall have enacted regional laws relative to the development, use, regulation and conservation of the environment and natural resources, to avoid the disruption of orderly operations and to provide continuous optimum delivery of services, the ARMM shall observe and apply existing policies, rules and regulations as being implemented by DENR.

Thereafter, the Regional Assembly may enact regional laws pertaining to the national economy and patrimony applicable and responsible to the needs of the Region. However, in accordance with Section 1, Article XIII of Republic Act 6734 (An Act Providing For An Organic Act for the Autonomous Region in Muslim Mindanao) such regional laws shall be consistent with the Constitution and National policies and shall not require lesser standards, and respecting the protection, conservation and enhancement of the natural resources than those required by the National Government thru the DENR.

SECTION VIII - SEPARABILITY CLAUSE

If, for any reason, any section or provision hereof is found inconsistent with the provision(s) of existing laws that may render same null and void, no other section, provision, or part hereof, shall be affected and same shall remain in full force and effect.

SECTION IX - EFFECTIVITY

This Order takes effect immediately.

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Secretary