

**Administrative Order
No. 8
March 5, 1991**

**SUBJECT: Guidelines on the Issuances of
Environmental Compliance Certificate
(ECC) or Environmental Clearance (EC)
for the Conversion of Agricultural Lands
to Non-Agricultural Uses**

Pursuant to Executive Order No. 192, and in consonance with RA 6657 and Executive Order 229, Series of 1987, the following guidelines are hereby issued for the guidance and compliance of all concerned:

Section 1. Policy and Objective. In line with the policy of the DENR to ensure that each land conversion is ecologically sound, an Environmental Compliance Certificate (ECC) or Environmental Clearance (EC) shall be required for prime and non-prime agricultural lands, respectively:

Section 2. Coverage. These guidelines shall cover both prime and non-prime agricultural lands.

- 2.1. The conversion of prime agricultural lands, declared as environmentally critical under Proclamation No. 2146, to non-agricultural land uses are covered by the existing rules and regulations of the Environmental Impact Statement (EIS) System. Prime agricultural lands are highly productive lands with or without irrigation system as certified by the Department of Agriculture and zonified by the Housing and Land Use Regulatory Board (HLURB).
- 2.2. For non-prime agricultural lands, the following shall be covered:
 - 2.2.1 Lands that have ceased to be economically feasible and sound for agricultural purposes or the land or locality has become highly urbanized and it will have a greater economic value for residential, commercial or industrial purposes;
 - 2.2.2 Lands classified as commercial, industrial and residential in new revised town plans approved by HLURB to be concurred by the Inter-Agency Planning Task Forces; and
 - 2.2.3 When the dominant use of the area surrounding the land subject of the application for the conversion is no longer agricultural, in the case of

the city/municipality which does not have land use plans or integrated zoning ordinance duly approved by the HLURB.

Section 3. Who May Apply. The following applicants for the conversion of agricultural lands to non-agricultural uses shall be required to secure an EC or ECC:

- 3.1 Owners of private agricultural lands or persons authorized by them, including land developers duly licensed by the HLURB or the government agency concerned;
- 3.2 Farmer-beneficiaries of the Comprehensive Agrarian Reform Program (CARP) after the lapse of five (5) years from award of land to them and who fully paid their obligations, or persons duly authorized by them; and
- 3.3 Government agencies, including government-owned or government-controlled corporations.

Section 4. Application Requirements. The following supporting documents shall be required from the applicants for EC/ECC:

- 4.1 In the case of prime agricultural lands which are environmentally critical areas, specific development plans therefor shall be required in addition to the other requirements prescribed by PD 1586 or the EIA law.
- 4.2 For areas classified as non-prime agricultural lands:
 - 4.2.1 Accomplished land conversion application form for an EC as prescribed in ANNEX A;
 - 4.2.2 Certified copy of Original Copy of Title (OCT)/Transfer Certificate of Title (TCT), and/or other legal documents establishing ownership;
 - 4.2.3 Certification from the concerned Regional Director, Department of Agriculture, that the land has ceased to be economically feasible and sound for agricultural purposes and the conversion of such area will not adversely affect a particular production system of an agriculture-based industry. In the absence of such, a certification from the Deputized Zoning Administrator of the HLURB that the land or locality has become highly urbanized and will have greater economic value for commercial, industrial or residential purposes under Section 2.2 hereof; or Certification of the HLURB Deputized Zoning Administrator in the city, municipality or region concerned, that the land is inside the proper

zone of the city/municipality and that the said land use plan/zoning ordinance was approved by the HLURB, for cases under Section 2.2 hereof.

- 4.2.4 Site characterization of the area applied for with the corresponding certification from the PENRO/CENRO concerned validating the contents of the report therein. The outline to be followed shall be as prescribed in Annex B hereof.

Section 5. Procedures for the Processing and Approval of Applications for ECC/EC.

- 5.1 Applications for land conversion covering areas classified as prime agricultural lands above (5) hectares shall be processed at the Environmental Management Bureau (EMB) in accordance with existing rules and regulations under PD 1586.

Prior to processing, the Regional Office concerned shall conduct initial evaluation of applications including ocular inspection for which a report thereon shall be submitted to the EMB.

An Environmental Compliance Certificate (ECC) shall be either issued or denied by the DENR Secretary or his duly authorized representative within twenty (20) days from the receipt of the application.

- 5.2 Applications for land conversion covering areas classified as prime agricultural lands five (5) hectares and below and non-prime agricultural lands irrespective of land area shall be processed at the Environmental Management and Protected Areas Service (EMPAS) of the DENR regional offices following the criteria set forth in Section 7 hereof.

An Environmental Clearance (EC) shall either be issued or denied by the DENR Regional Executive Director within fifteen (15) days from the the receipt of the application.

Section 6. Payment of Fees. The following fees shall be collected from the applicants per application:

- 6.1 For prime agricultural lands:

Filing and processing fee	-	P300.00; and
Legal Research Fee	-	P 10.00

(as authorized by NEPC Office Circular No. 4, 1985 and COA-MOF-OBM Joint Circular No. 6-85). Payments for ECC applications shall be payable to the Director, EMB

6.2 For non-prime agricultural lands:

Filing and processing fee - P200.00

Payments for EC applications shall be payable to the respective DENR Regional Office.

Section 7. Criteria for the Evaluation of Applications.

Applications for EC shall be evaluated using the following criteria:

7.1 Potential Environmental Impacts - An Impacts Checklist (Annex C) shall be used by the Regional Staff in identifying all potentially significant environmental impacts.

Annex D provides a brief discussion of the potential impacts included in the Impacts Checklist.

7.2 An EC shall be issued by the Regional Executive Director for applications under Section 5.2 hereof if the environmental impacts of the land conversion are not considered significant. On the other hand, an EC shall be denied if significant adverse impacts are confirmed. In all cases, the RED concerned shall submit a report thereon to the Secretary through the EMB.

Section 8. Repealing Clause. This order supersedes and/or amends all existing rules and regulations inconsistent herewith.

Section 9. Effectivity. This Order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

ANNEX A

APPLICATION FORM FOR ENVIRONMENTAL CLEARANCE (EC)
(For Land Conversion Purposes)

1. Name of Applicant _____
Address _____

Tel. No. _____

2. Purpose/s of land conversion

 Residential
 Commercial
 Industrial
 Others, please specify _____

3. Existing agricultural use/s

 Ricefield
 Coconut plantation
 Sugar plantation
 Orchard
 Vegetable Farm
 Others, please specify _____

4. With existing/planned irrigation system

 yes; please give details _____

 No

5. Other sources of income at present _____

6. Details of proposed conversion

6.1 Total land area to be converted _____

6.2 General layout

- 6.2.1 Indicate the exact location and boundaries of the area for conversion on a 1:10,000 scale topographic map, if available.
- 6.2.2 Submit a vicinity map showing accessibility to schools, public market, hospital, rivers/creek.

7. Land use profile within 1 km of the proposed site

- Agricultural
- Ricefield
- Coconut plantation
- Sugar plantation
- Orchard
- Vegetable farm
- Others, please specify _____

SITE CHARACTERIZATION OUTLINE FOR LAND CONVERSION

1. Name and Address of Proponent

State the name and address of the applicant (individual or entity) applying for an Environmental Compliance Certificate. The applicant's telephone number and authorized representative, if any should be included.

2. Purpose/s of Land Conversion and the Importance of the Project

3. Details of the Project

3.1 Total land area to be converted

3.2 General Layout

Indicate the exact location and boundaries of the area for conversion on a 1:10,000 scale topographic map.

- Submit a vicinity map and photographs showing the panoramic view of the area and its adjacent areas. Photographs should be properly captioned to indicate points of location and description of its important features.

3.3 Description of project type and process (if already available)

4. Description of Existing Environmental Settings

4.1 Existing land uses

4.2 Information on crops, annual yield

4.3 Details of irrigation facilities if any

4.4 Existing drainage pattern/water resources

4.5 Population density

5. Prediction and Identification of Environmental Impacts

Describe in detail all predictable/imaginable environmental impacts that may occur due to land conversion, i.e. alternation of landform/drainage pattern, pollution of water resources, flooding, noise, displaced farmers, etc.

6. **Mitigating Measures**

State the measures to be undertaken to mitigate identified environmental impacts such as installation of drainage/sewerage facilities and pollution abatement facilities, adequate provision of relocation/resettlement and compensation of affected families, alternative sources of livelihood, job opportunities to be generated by the proposed project, etc.

7. **Status of the Project**

State the status of the project whether it is in the feasibility stage, site clearing, construction, etc., at the time this document was submitted.

8. **Project Proponent's Signature**

ANNEX C

IMPACT CHECKLIST FOR LAND CONVERSION PROJECT

Actions Affecting Environmental Resources	POTENTIAL ENVIRONMENTAL IMPACTS	Initial Environmental Examination (IEE)		
		No Significant Impact	Significant Impact	
			Small	Moderate Major
1. Project	1.1 Ecologically-			
Siting	sensitive area			
and Design				
	1.2 Historical/cultural			
	features			
	1.3 Settlement/			
	resettlements			
	1.4 Land value/use			
	change			
	1.5 Landform/drainage			
	alteration			
	1.6 Irrigation			
	facilities			
	1.7 Noise/vibration			
	pollution			
	1.8 Workers health			
	and safety			
2. Project	2.1 Construction			
Construc-	impacts			
tion and	2.2 Project main-			
operation	tenance			
	2.3 Land management			

**POTENTIAL ENVIRONMENTAL IMPACTS
ASSOCIATED WITH LAND CONVERSION PROJECTS**

A. Project Siting/Design

1. Ecologically-sensitive area: Will the land conversion affect ecologically-sensitive areas like wetlands, forest, mineral reserve, etc. and threaten their survival/integrity?
2. Historical/Cultural Features: Does the land conversion threaten the fabric or reduce the value of historical/cultural features? Is tourism likely to be affected? Does the project design accomodate the road to protect historical/cultural values?
3. Settlements/Resettlements: Will the land conversion affect rural settlements, including life styles/basic needs? Have the project costs included adequate provisions/compensation for those persons/communities to be affected/resettled?
4. Land Value/Use Changes: Is the project likely to depreciate land values/uses? Are there provisions to protect land values/uses or compensate for loss?
5. Landform/Drainage Alternation: Will there be modification to the topographic features such as to affect passageways for communities or drainage (rivers/crecks) pattern? Has adequate attention been given to minimize/avoid loss of natural resources, pollution of water resources, flooding, etc.?
6. Noise/Vibration/Pollution: Will there be noise/vibration, fumes, dust generated by the project? Will buffer zones or other means be provided to minimize them?
7. Worker Health & Safety: Are there adequate provisions for workers health and safety during construction/operation phases?

B. Project Operation/Maintenance

1. Construction Impacts: Have provisions been made to minimize/avoid impediments to natural drainage (e.g. uncontrolled silt runoff), noise, dust?
2. Project Maintenance: Are operations and maintenance provisions sufficient to protect the environment?
3. Land Management: Is there a management scheme to monitor potential soil erosion, vegetation clearance operations, etc.?