

**Administrative Order
No. 07
March 19, 1992**

SUBJECT : Recalling DENR Memorandum Order No. 39, Series of 1991

WHEREAS, pursuant to the provisions of Section 13 of Presidential Decree No. 705, BFD Administrative Order No. 4-1799, S. of 1984 was issued declaring and certifying portions of the forest land located at Sagay, Negros Occidental in aggregated area of 1,828 hectares as available for fishpond development.

WHEREAS, in the same BFD Administrative Order, it is provided that:

"The areas herein certified and declared as available for fishpond development must be developed or utilized for purposes stated within five (5) years from approval hereof, otherwise the declaration/certification as such is automatically revoked or cancelled pursuant to paragraph 3, Section 43 of PD 705, and the Bureau of Forest Development shall take immediate administration and control over these areas."

WHEREAS, due to a court's decision in Civil Case No. 8503 declaring null and void the title of Herman Benedicto over 6,271 sq. m. which is within the released area, and in order to execute the said order, DENR Administrative Order No. 39, Series of 1991 was issued revoking BFD Administrative Order No. 4-1799;

WHEREAS, the order of the court's in Civil Case No. 8503 has been fully executed;

WHEREFORE, in line with Joint DAN-DENR General Memorandum, and in the interest of the service, justice and equity, and in order that bonafide applicants and developers of fishpond in the area who have already made substantial investment thereon shall not be prejudiced, DENR Memorandum Order No. 39, series of 1991 is hereby recalled and set aside.

FURTHER, it is hereby ordered that the areas already developed and devoted to fishpond pursuant to BFD Order No. 4-1799 be delineated and the remaining released areas which were not developed in accordance with said BFD Administrative Order be returned to the management and administration of the Forest Development Management Bureau.

The Regional Executive Director, Region VI is hereby directed to cause the corresponding survey of the areas.

This order takes effect immediately.

SO ORDERED.

FULGENCIO S. FACTORAN, JR.
Secretary