

**DENR Memorandum Circular
No. 45
December 22, 1994**

**SUBJECT : Clarifications on Some Provisions of R.A. 7586,
DAO No. 25, Series of 1992 and Other Related
Guidelines.**

For the guidance and information of all concerned, clarifications on the implementation of NIPAS Act are hereby promulgated:

A. Creation of Protected Area Management Board (PAMB).

1. The creation of PAMB is not a pre-requisite for the conduct of assessment and other NIPAS activities mandated by the NIPAS Act. PAMB may be created simultaneously or after the conduct of such activities.
2. For recommended and/or additional NIPAS sites, NIPAS activities such as Protected Areas Suitability Assessment (PASA), Survey and Registration of PA occupants (S & R), public consultation and other activities enumerated in Section 5 of RA 7586 and DAO No. 25, Series of 1992, respectively, shall first be completed prior to the proclamation of the area preparatory to its inclusion in NIPAS. Thereafter, a PAMB shall be created.

B. Categorization of Existing and Proposed Protected Areas under NIPAS.

1. The NIPAS Act does not provide a separate category for marine areas. The NIPAS categories established by the NIPAS Act apply to marine, wetlands and terrestrial areas, hence, the categorization of such areas should follow the categories specified in Section 5 of R.A. 7586.

2. In the initial screening of protected areas based on PASA guidelines, secondary data and other relevant information may be used.

C. Functions of the Interdisciplinary Team as stipulated in the guidelines on the General Management Planning Strategy (GMPS), DMC No. 04 Series of 1993.

1. The Regional Interdisciplinary team (I.D. Team) is a planning team that will guide and advise the Protected Area Superintendent (PASu) and the PAMB in the preparation of the Protected Area Management Plan and the Manual.
2. The I.D. Team membership is not limited to DENR personnel only. Other qualified parties or individuals may be considered for membership subject to review and evaluation by the Regional Executive Director.
3. The GMPS will be used only when the area is assured to be included in the new System and when the final boundary has already been identified or established on the ground. In the meantime, the initial plan shall be prepared in accordance with DMC No. 34, Series of 1994, "Outline on the Preparation of Initial Protected Area Plan for Protected Areas".

D. Functional relationship of the Protected Area Superintendent (PASu), CENR Officer and PENR Officer in Protected Area Management.

1. The PASu shall act as the Chief Operating DENR Officer of the protected area. In the discharge of his duties and functions as enumerated under Section 38 of DAO No. 25, Series of 1992, he shall be directly responsible to the PAMB and the RED, thru the RTD for EMPAS.

2. The PASu shall establish linkages with the CENR and PENR Officers to ensure smooth and efficient management of protected areas.

E. Conduct of Public consultation/hearing.

1. In the establishment of protected areas under the new System, be it the initial components of the system or proposed areas for inclusion in NIPAS, public hearing/consultation is a requirement.
2. Results of public consultation shall be submitted to DENR/PAWB for review. A copy of the minutes of consultation and the names of the participants with the consolidated comments/reactions must accompany the consultation report. The comprehensive review must include the recommended category of the area, following DMC No. 35, Series of 1993 and the rationale for inclusion to NIPAS or disestablishment.
3. Sangguniang Barangay/Bayan Resolutions are not considered as substitute for public consultations/ hearings, however, they may be submitted as additional documents.
4. If funds for the actual public hearing/ consultation are not available, consultation referendum may be undertaken. The term "referendum" shall mean consultation in absentia using letters and similar media with appropriate attachments such as issues, concerns, proposal and/or maps.

This Circular shall take effect immediately.

ANGEL C. ALCALA
Secretary