

DENR-DAR
JOINT Administrative Order
No. 98 – 03

SUBJECT : Guidelines Governing the Cutting, Removal and Disposition of Timber and Other Forest Products Within DAR Settlement Sites

Pursuant to the government's thrusts of ensuring the sustainable development of the country's environment and natural resources and consistent with the President's Social Reform Agenda and Presidential Decree No.705, as amended, the following guidelines governing the cutting, removal and disposition of timber and other forest products within Department of Agrarian Reform (DAR) settlement areas are hereby promulgated for the information and guidance of all concerned.

Sec. 1. Basic policy. It shall be basic policy of the State to institute the judicious utilization of the country's forest resources and to provide livelihood opportunities to agrarian reform beneficiaries including those situated within DAR settlement areas.

Sec. 2. Timber Cutting/Utilization Within DAR Settlement Areas. A Private Land timber Permit (PLTP) Special Private Land Timber Permit (SPLTP) maybe issued to holders of Certificate of Land Ownership Award (CLOA) within DAR settlement areas in accordance with existing prescribed guidelines in the issuance of such permits Provided, however, that the following application requirements are complied with:

1. Authenticated photocopy of the CLOA by the Register of Deeds/DAR Field Office concerned:

2. Indicative map showing the relative positions of the trees to be cut as prescribed under DENR Memorandum Circular (DMC) NO. 19, Series of 1992; and
3. Comprehensive development plan of the area as prescribed under DMC No. 19, Series of 1992.

However, under no instance shall a PLTP/SPLTP be issued where the subject area is within classified forestlands or within National Integrated Protected Areas System (NIPAS) areas regardless of CLOA issuance, In such instances, the Community Environment and Natural Resources Office (CENRO) concerned shall study the possibility of issuing the appropriate tenurial instrument under the Community-Based Forest Management Program (CBFMP) and be shall communicate his findings to the applicant.

Legitimate holder of CLOA may file their application for a PLTP/SPLTP either at the CENRO or the Provincial Environment and Natural Resources Office (PENRO) concerned which has administrative jurisdiction over the area(s) being applied for.

Sec. 3. Conduct of 100% Timber Inventory. The DENR Regional Office concerned shall 100% timber inventory of the area applied for and to be made a part of the report to be submitted therefor.

Sec. 4. Special Provision on EIA. The pertinent provisions of the policies on the Environmental Impact Assessment (EIA) System, specifically DENR Administrative Order Nos. 96-37 and 97-18, shall apply as pre-condition in the issuance of PLTP/SPLTP within DAR Settlement Areas.

Sec. 5. Restrictions. The cutting of trees covered by PLTP/SPLTP within CLOAs shall be subject to the following restrictions;

1. No cutting of trees along roads unless trees have been determined to pose danger to life and property;
2. No cutting of Almaciga trees pursuant to DENR Administrative Order (DAO) No.74, Series of 1987;
3. No cutting of trees on a strip twenty (20) meters wide on both sides of creeks or rivers bordering or traversing CLOA areas, for streambank protection, Provided, That in case said strip is bereft of trees, the same shall be reforested by the permittee pursuant to DAO No. 86, Series of 1990;
4. No cutting, removal and disposal of timber in commercial quantities shall be allowed in areas where a logging ban is in effect;
5. No cutting of mangrove species, pursuant to Republic Act No. 7161 and DENR Administrative Order No. 15, series of 1990; and
6. That at least ten percent (10%) of the land area shall be devoted for forestry purposes (either through planting of trees or management of existing forest cover).

Sec. 6. Payment of Forest Charges. Pursuant to the provisions of RA 7161 and its implementing guidelines, harvested naturally-grown timber shall be assessed forest charges.

Sec. 7. Repealing Clause. All policies, rules and regulations inconsistent herewith, specifically, joint DENR-DAR Administrative Order No. 16, Series of 1990 and Joint Administrative Order DER No. 3/DENR No. 8, Series of 1988 are hereby amended.

Sec. 8. Penal Provisions. Anyone found violating the provisions of this joint administrative order shall be prosecuted in accordance with existing laws, rules and regulations.

Sec. 9. Effectivity. This joint administrative order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS

Secretary

Department of Environment

And Natural Resources

(Sgd.) ERNESTO GARILAO

Secretary

Department of Agrarian

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