

Memorandum Order

No. 98 - 04

January 30, 1998

TO : Undersecretaries, Regional Executive Directors, Regional Technical Directors for EMPAS All Bureau Directors

SUBJECT : Interim Guidelines for the Implementation of Administrative Order No. 363, Dated October 9, 1997 Issued by the President of the Philippines

Pursuant to Administrative Order No. 363, "Prescribing Guidelines for the Protection of Areas Non-Negotiable for Conversion and Monitoring Compliance with Section 20 of the Local Government Code," the following clarifications are hereby issued:

1. DENR Administrative Order No. 8, dated March 5, 1991 [Guidelines on the Issuance of Environmental Compliance Certificate (ECC) or Environmental Clearance (EC) for the conversion of Agricultural Lands to Non-Agricultural Uses] shall remain in force except for provisions inconsistent with provisions of Administrative Order 363.
2. Applications for conversion covering Environmentally Critical Areas (ECA) shall be subjected to PD 1586 and implementing rules and regulations.
3. These guidelines shall cover specifically the land classified as "highly restricted for conversion" as defined in Section 1B.2 of Administrative Order 363.

4. The following supporting documents shall be required in securing an Environmental Compliance Certificate for land conversion.
 - 4.1 Certification from the Department of Agriculture that the land has ceased to be economically feasible and sound for agricultural purposes and conversion of such area will not adversely affect a particular production system of an agriculture-based industry.
 - 4.2 Certification of the HLURB Deputized Zoning Administrator in the region concerned or the HLURB in the absence of a Deputy Zoning Administrator that the land use conforms with the approved Comprehensive Land Use Plan; and
 - 4.3 Certification from the PENRO/CENRO whether or not the area falls within an Environmentally Critical Area as defined in Presidential Proclamation 2146 and is not within the protected areas designated under the NIPAS Act or Republic Act No. 7586 (1992);
5. Certificate of Non-Coverage (CNC) shall be issued if the area does not fall under ECA. The CNC shall serve as compliance with the requirement for DAR's Order of Conversion.
6. Processing of the ECC for land use conversion shall be at the DENR Regional Offices and the ECC shall be issued by the REDs. The proponent shall be required to submit the attached Annex A & B of the DAO No. 8, Series of 1991 while Annex C and D shall be used as basis to evaluate the application.
6. Guidelines for AO 363 shall be prepared by the EMB in coordination with concerned agencies and other units of the DENR.

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary