

**DENR Memorandum Order
No. 99-29
September 15, 1999**

**SUBJECT : Guidelines In The Implementation
Of Usufruct Rights In Tree
Farming Within Forestlands
Where Occupation Is Not Allowed**

Pursuant to the provision of Section 16. Article II of the 1987 Constitution, Executive Order No. 192 dated June 10, 1987 and Presidential Decree No. 705, dated May 1975, as amended, which provides for the protection and advancement of the right of the Filipino people to a healthful and balanced environment and in line with the policy of the government to ensure the effective protection and conservation of watersheds against environmental degradation, as well as provide support to the Food Security Program of the President, the following guidelines for the implementation of tree farming within certain portions of the forestlands is hereby promulgated for the guidance of all concerned.

BASIC POLICY

Consistent with the Forestation Program of the government to enhance forestlands productivity and sustain a wholesome and healthy environment, it is the policy of the DENR to, among others to establish, manage and conserve tree farming within the forestlands where occupation is not allowed. The DENR employees shall lead in this forestation efforts, which in the long-run will redound to their economic benefit.

OBJECTIVES

The objectives of this forestation program are as follows:

- a. To increase forest cover of forestlands/watersheds where occupation is not allowed by planting economically beneficial trees other than for timber;
- b. To enhance the hydrologic condition of watersheds;
- c. To augment the food security program of the government;
- d. To serve as model to demonstrate appropriate methods and technologies in the development and establishment of tree farms other than for timber production, and
- e. To provide additional income to DENR employees.

DEFINITION OF TERMS

As used in and for purposes of this memorandum, the following terms shall mean;

- a. Association - DENR. employees who have grouped themselves and willing to participate in the program.
- b. Contract of Usufruct - a legal agreement between the DENR employee and the Secretary or his duly authorized representative containing the terms of reference, conditions, limitations for the activities to be undertaken in the establishment, protection and maintenance of tree farms; where the usufructuary is given a right to enjoy the property with an obligation to preserve its form and substance and without the right of occupation.
- c. DENR employees - includes DENR personnel of Regional Offices, Central Office, Bureaus and attached agencies either regular, casual and contractual employees covered by a plantilla regardless of length of service.
- d. Development Plan - refers to a plan which includes target, quantities and qualities of work to be performed, schedule and cost estimates.
- e. Tree Farms - a plantation established by the program participants advancing the principles and practices of systems approach to sustainable tree farm management.

QUALIFIED PARTICIPANTS

All DENR personnel are qualified to participate in the following manner:

- a. As an individual.
- b. As an association or an organization

APPLICATION REQUIREMENTS

For Individual DENR employees:

- a. Duly accomplished application form for evaluation of the CENRO;
- b. Development plan for approval of concerned authority per standing policies; and
- c. Community Tax Certificate

For Associations:

- a. Certified true copy of the Certificate of Registration with authorized office;
- b. List of duly elected officers and members and their addresses, duly certified by the Board Secretary;
- c. Resolution/minutes of meeting, duly certified by the Board Secretary, indicating their interest in the program; and
- d. Development plan for approval of concerned authority per standing policies

The CENRO shall evaluate these documents and if found in order shall prepare a Contract of Usufruct to be approved by the Secretary.

SIZE OF THE AREA

The area that may be awarded under this program is as follows:

- a. For individuals - maximum of 5 hectares
- b. For association - minimum of 5 hectares and not more than 150 hectares

COVERAGE

Forestlands where occupation is not allowed (e.g. critical watersheds, buffer zones/multiple-use zone of protected areas, etc.) shall be made available for this program. However, the inclusion of any site shall be done in coordination with the concerned Local Government Unit and PAMB in accordance with the pertinent provisions of RA 7160 NIPAS Act, as the case maybe.

TECHNICAL AND FINANCIAL SUPPORT

- a. The DENR's input shall be limited to the provision of technical assistance for the establishment of tree farms;
- b. Individuals and groups shall be encouraged to source funds from other available funding institutions outside of the DENR for the establishment and development of their respective areas.

IMPLEMENTING OFFICE

The concerned CENRO shall be the implementing office of this program. The CENR Officer or his/her representative shall identify the areas within their respective jurisdiction that will be made available for this purpose. He shall be responsible for the monitoring and supervision of the established tree farms. He shall also ensure that proper documentation and mapping of such areas are undertaken.

SITE SELECTION CRITERIA

The sites shall be identified based on the following criteria;

- a. accessible to the nearest barangay road

- b. a net plantable area of not less than 5 hectares
- c. as much as practicable, should be contiguous
- d. should be economically feasible, socially acceptable and environmentally sound; and
- c. preferably free from adverse claim and occupants.

TENURIAL AGREEMENT

Appropriate tenurial agreement is the Contract of Usufruct which include the profit sharing scheme with the government. In no way does this contract give the participant acquisitive right or ownership over the land.

CHOICE OF SPECIES

To attain the objectives of the program, only economically beneficial non-timber shall be planted.

Where site is above 50% slope and or above 1,000 above sea level indigenous forest trees should be planted. These areas could be subject to improvement cuttings only.

RECORD MANAGEMENT

The CENRO shall keep a complete record of the Project and financial support and arrangements shall be properly documented in accordance with accounting rules and regulations.

Lessons learned and practices found most practicable shall also be properly documented in order to improve program implementation and for purposes of replicating them in other regions of the country.

SUPPLEMENTAL RULES

The Regional Executive Director may promulgate supplemental rules and regulations which shall apply to peculiar conditions prevailing and appropriate for their respective jurisdictions. Provided that such rules and regulations shall be in accordance with this Order and with existing laws, rules and regulations.

EFFECTIVITY

This Memorandum Order shall take effect immediate.

(Sgd.) ANTONIO H. CERILLES
Secretary