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DENR Administrative Order
No. 2003 - 07

SUBJECT : Revocation of DENR Administrative Order 17, Series of 2001.

This Order is issued pursuant to the Department of Justice (DOJ) Opinion No. 100 dated 27 November 2002 interpreting Section 123 of Republic Act No. 8550 which reads as follows:

Sec. 123. Charting of Navigational Lanes and Delineation of Municipal Waters. – The Department shall authorize the National Mapping and Resource Information Authority (NAMRIA) for the designation and charting of navigational lanes in fishery areas and delineation of municipal waters. The Philippine Coast Guard shall exercise control and supervision over such designated lanes.

DOJ Opinion No. 100 notes that the Department referred to in Section 123 is the Department of Agriculture as provided for in Section 5 (15) of RA 8550. "By law, therefore, it is the Department of Agriculture that shall authorize the NAMRIA to perform the delineation of municipal waters. This power vested in (the DA) carries with it the authority to issue the guidelines," the Secretary of Justice opined. Citing Angara vs. Electoral Commission (63 Phil 139) the Opinion states that "where a general power is conferred or duty enjoined, every particular power necessary for the exercise of one or the performance of the other is also conferred".

In view of the foregoing Opinion, the DENR Administrative Order 17, Series of 2001 entitled "Guidelines for Delineating/Delimiting Municipal Waters" is hereby revoked.

This Order takes effect immediately.


ELISEA G. GOZUN
Secretary

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