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APR 21 2003

DENR MEMORANDUM CIRCULAR)
NO. 2003 - 07

SUBJECT: Allowing the conduct of Balikatan 03 Exercises/Activities in Minalungao National Park, located in the Municipality of General Tinio, Province of Nueva Ecija, pursuant to DENR Administrative Order (DAO) No. 2003-10

Pursuant to the DAO No. 2003-10 entitled "Amending Section 2(a), (b) & (c) of DAO No. 2001-28 entitled 'Implementing Rules and Regulations on the Protection and Preservation of the Environment during VFA-Related Activities in the Country' ", pursuant to the Visiting Forces Agreement (VFA) between the Government of the Philippines and the United States of America and for reasons of National Interest, Minalugao National Park located in the Municipality of General Tinio, Province of Nueva Ecija is hereby exempted from the provision Section 2 of DAO 2001-28, which prohibits VFA-related activities in certain areas. Consequently, Balikatan 03 exercises/activities which shall commence on April 25, 2003 may be allowed within Minalungao National Park subject to the following conditions:

Section 1. Adherence to Existing Environmental Laws, Rules and Regulations

All VFA-related activities to be undertaken shall be in accordance with the country's existing environmental laws, rules and regulations such as the National Integrated Protected Areas System Act (RA 7586), Solid Waste Management Act (RA 9003), Clean Air Act (RA 8749), Indigenous Peoples Rights Act (RA 8371), Wildlife Act (RA 9147), Cave Management Act (RA 9072), Toxic Substances and Hazardous and Nuclear Wastes Control Act (RA 6969) and other related laws, rules and regulations.

Section 2. Prior Informed Consent of the PAMB and Memorandum of Agreement.

The prior informed consent of the Minalungao National Park-Protected Area Management Board (PAMB) shall be obtained before the conduct any Balikatan 03-related exercise/activity within the aforementioned protected area.

For this purpose, a Memorandum of Agreement (MOA) shall be executed between the Minalungao National Park-PAMB and the Department of National Defense (DND), with the following minimum terms and conditions:

- a. Strictly comply with the provisions of the NIPAS Act, particularly Section 20 thereof on Prohibited Acts, and related rules and regulations;
- b. Ensure utmost protection at all times of the wildlife and its habitat;
- c. Whenever necessary and if warranted, avoid the conduct of such activities within the strict protection zone(s) of the protected area;
- d. Engage in restoration and rehabilitation programs within the concerned protected area that the PAMB may identify;
- e. Secure the Free and Prior Informed Consent of any affected Indigenous Peoples/Indigenous Cultural Community (IP/ICC), where applicable;
- f. Upon mutual agreement, compensate the PAMB, in form or in kind, for the use of the protected area; and
- g. Assist the DENR and PAMB in the resource protection and monitoring.

Section 3. Strict Compliance With DAOs 2001-28 and 2003-10

During and immediately after the conduct of Balikatan 03 exercises/activities within Minalungao National Park, the provisions of DAO 2001-28, as amended by DAO 2003-10 shall be strictly complied with.

The exemption from the prohibition of the conduct of VFA-related activities granted under this Circular shall only be effective for the duration of Balikatan 03.

This Memorandum Circular takes effect immediately.


ELISEA G. GOZUN
Secretary