



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM CIRCULAR

No. 2006 - 01

FEB 09 2006

TO : All Regional Executive Directors
All Regional Technical Directors for Lands
PENROs and CENROs

SUBJECT : **NON-TITLING OF LANDS AND AREAS SUITABLE FOR FISHERY PURPOSES/OPERATIONS EVEN WITHIN ALIENABLE AND DISPOSABLE (A & D) LANDS.**

Investigation reports on the titling of several parcels of land in Escalante, Negros Occidental and Cotabato City revealed that these lands claimed to be planted with rice, corn, coconuts and other seasonal crops were issued titles, through Free Patents, but were found to be actually existing fishpond areas submerged in brackish water one meter deep, enclosed with earthen dikes and devoted to the culture of fish and other aquatic species of fish and covered by subsisting Fishpond Lease Agreements (FLAs) granted by DA-Bureau of Fisheries and Aquatic Resources (BFAR).

The titling of public lands and areas suitable for fishery purposes/operations is prohibited under Republic Act No. 8550, otherwise known as the "Philippine Fisheries Code of 1998" and other applicable rules and regulations. Section 45 of the Code provides, to wit:

"Section. 45. Disposition of Public Lands for Fishery Purposes. – Public lands such as tidal swamps, mangroves, marshes, foreshore lands and ponds suitable for fishery operations shall not be disposed or alienated. x x x"

In view thereof, and consistent with land disposition policies, rules and regulations, it is advised that all concerned officials should be prudent in evaluating public land applications (PLAs), particularly if the PLA overlaps or falls within a previously approved survey plan denominated as Fishpond Individual Survey (FIS). It is therefore directed that the processing of PLAs for Free Patents and approval of survey plans that overlap with or identical to a previously approved survey plan denominated as FIS be held in abeyance until a clearance or certificate is first secured from Bureau of Fisheries and Aquatic Resources (BFAR) Central or Regional Office to the effect that such land is not a developed fishpond or covered by a FLA.

This Circular takes effect immediately.



USEC DEMETRIO L. IGNACIO, JR.
Officer-in-Charge, DENR *ni*